



AGENDA  
FOR THE ORDINARY MEETING  
OF COUNCIL  
TO BE HELD IN  
THE COUNCIL CHAMBERS, YALGOO  
ON 27 OCTOBER 2017  
COMMENCING 11.00 AM



# SHIRE OF YALGOO

## NOTICE OF ORDINARY COUNCIL MEETING

THE NEXT ORDINARY MEETING OF COUNCIL WILL BE HELD IN THE YALGOO COUNCIL CHAMBERS, YALGOO ON 27 OCTOBER 2017 COMMENCING AT 11.00 AM.

**Silvio Brenzi**

Chief Executive Officer



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Agenda for the Ordinary Meeting of the Yalgoo Shire Council,  
to be held in the Council Chambers, Yalgoo  
on 27 October 2017, commencing at 11.00 am.

**PLEASE TURN OFF ALL MOBILE PHONES PRIOR TO THE COMMENCEMENT OF THE MEETING**

**1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS**

The Chief Executive Officer declared the meeting open at \_\_\_\_\_ am.

1.1 Swearing in of Councillors

The Chief Executive Officer to conduct the swearing in of:

- 
- 
- 

Who were declared elected by the Returning Officer at the election held on Saturday, 21 October 2017.

The Councillors ....., ..... and ..... to make the following declaration in accordance with Section 2.29(1) of the Local Government Act 1995.

I ..... Of..... having been elected to the office of Councillor of the Shire of Yalgoo declare that I take the office upon myself and will duly, faithfully, honestly, and with integrity, fulfil the duties of the office for the people in the district according to the best of my judgement and ability and will observe the Local Government (Rules of Conduct) Regulations 2007.

1.2 Election of Shire President  
(Nomination Form Attached)

The Chief Executive Officer to advice of nominations received for the position of President.

Should more than one nomination be received a secret ballot be conducted by the Chief Executive Office and declare the President Elect in accordance with Clause 4 of Schedule 2.3 of the Local Government Act 1995.

Pursuant to Section 2.29(2) of the Local Government Act 1995 the President elect to make the following declaration.

I ..... of ..... having been elected to the office of Shire President of the Shire of Yalgoo declare that I take the office upon myself and will

duly, faithfully, honestly, and with integrity, fulfil the duties of the office for the people in the district according to the best of my judgement and ability and will observe the Local Government (Rules of Conduct) Regulations 2007.

The Chief Executive Officer to hand the meeting over to the newly elected Shire President.

1.3 Election of Deputy Shire President  
(Nomination form Attached)

The Chief Executive Officer to advice of nominations received for the position of Deputy President.

Should more than one nomination be received a secret ballot be conducted by the Chief Executive Officer and the Shire President to declare the Deputy President elect in accordance with Clause 8 of schedule 2.3 of the Local Government Act 1995.

Pursuant to Section 2.29(2) of the Local Government Act 1995 the Deputy President elect to make the following declaration.

I ..... of ..... having been elected to the office of Deputy President of the Shire of Yalgoo declare that I take the office upon myself and will duly, faithfully, honestly, and with integrity, fulfil the duties of the office for the people in the district according to the best of my judgement and ability and will observe the Local Government (Rules of Conduct) Regulations 2007.

**2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE**

MEMBERS

STAFF

GUESTS

OBSERVERS

LEAVE OF  
ABSENCE

APOLOGIES

**3. DISCLOSURE OF INTERESTS**

Disclosures of interest made before the Meeting.



## **8. CONFIRMATION OF MINUTES**

### **8.1 ORDINARY COUNCIL MEETING**

#### **Background**

Minutes of the Ordinary Meeting of Council have previously been circulated to all Councillors.

#### **Voting Requirements**

Simple majority

#### **OFFICER RECOMMENDATION**

##### **Minutes of the Ordinary Meeting**

**That the Minutes of the Ordinary Council Meeting held on 22 September 2017 be confirmed.**

**Moved:**

**Seconded:**

**Motion put and carried/lost**





**9.0.2 Report on Selection of Community members for Committee**

Author:	Silvio Brenzi
Interest Declared:	No interest to disclose
Date:	26 September 2017
Attachments	Application for Arts & Culture Committee.

**Matter for Consideration**

That the committee review the one application for a community representative for the A& C committee.

**Background**

An advertisement was placed in the local Bulldust to determine interest from the public in the two vacancies that exist on the A&C committee. No nominations were received by the closing date and Council was informed of this. Following the meeting two applications were received from the community, however these were withdrawn as there may have been a conflict of interest as the two applicants were local artists and this may have been perceived as a conflict of operation. A further later application was received and is attached for review at this meeting.

**Statutory Environment**

**Local Government Act 1995**

**Consultation**

Public of Yalgoo

**Comment**

**Voting Requirements**

\*The application from Becky Phillips was discussed by the committee.

Simple Majority.

**COMMITTEE RECOMMENDATION**

**A&C 2017-0904 Report on Selection of Community members for Committee**

**That Becky Phillips is nominated as a public member of the A&C committee for a term equivalent to the other members. This leaves one vacancy yet to be filled.**

**Moved: Cr Neil Grinham**

**Seconded: CEO Silvio Brenzi**

**Carry/ 4/0**

The intent of the above mentioned recommendation is that the Arts and Culture Committee recommends that Mrs Becky Phillips be appointed as the Community representative to the Committee.

## 9.1 Arts and Culture Committee Meeting held on 11 October 2017

### 9.1.1 Report to be prepared for next meeting

A discussion was held amongst all members present to discuss items to be prepared for the next meeting. After a short discussion, Cr Valenzuela moved the following motion:

#### COMMITTEE RECOMMENDATION

##### **A&C 2017-1002 Reports to be prepared for next meeting.**

**That the CEO prepare the following 6 items as reports for consideration at the next meeting.**

- 1. A report be presented on the remaining capital funds from the construction phase of the building to ascertain what works can be completed to finalise construction.**
- 2. Options are presented for the official opening and opening hours of the Centre.**
- 3. Gain input and support from MEEDAC for training of management personnel.**
- 4. That all committee members are enrolled with the Chamber of Arts and Culture and attend relevant functions.**
- 5. Define % ratio for works on consignment or sale within the Centre.**
- 6. Prepare a general operational set of guidelines for the management, participants and staff at the Centre.**

**Moved: Cr Raul Valenzuela**

**Seconded: Cr Neil Grinham**

**Motion put and carried 4/0**

The intent of the above mentioned recommendation is that the Arts and Culture Committee recommends that the CEO be requested to prepare...

### 9.1.2 Official Name of the Arts Centre

The CEO then raised the issue of the official name of the building and suggested that the committee select a name to clarify the reference to the Centre. Cr Neil Grinham then moved the following motion:

#### COMMITTEE RECOMMENDATION

##### **A&C 2017-1003 Official name of the Arts Centre**

**That the new building be named “The Yalgoo Arts and Cultural Centre” (YACC) and that the CEO prepare draft options for signage to the front of the building.**

**Moved: Cr Neil Grinham**

**Seconded: Cr Raul Valenzuela**

**Motion put and carried 4/0**

The intent of the above mentioned recommendation is that the Arts and Culture Committee recommends that Council approve the name of the new building being ‘ The Yalgoo Arts and Culture Centre (YACC)’ and that the CEO be authorised to prepare draft options for signage to the front of the building’

## **10. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS/Other Matters**

### **10.0 INFORMATION ITEMS**

Sharing of operational information on items that are not confidential, do not require a decision and do not meet the definition of matters for which the meeting may be closed under section 5.23 of the Local Government Act (e.g.: matters affecting employee/s or the personal affairs of any person).

## **11. MATTERS FOR DECISION**

### **11.0 MATTERS BROUGHT FORWARD**

## **11.1 TECHNICAL SERVICES**

### **11.1.1 Progress Report on the Capital Works Program 2017-18**

Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	17 October 2017
Attachments	Nil

#### **Matter for Consideration**

To receive the Progress Report on the 2017-2018 Capital Works Program.

#### **Background**

The Shire in adopting its 2017-2018 Annual Budget has allocated funds amounting to \$3,213,634 for the purpose of acquiring capital assets and undertaking infrastructure works.

#### **Statutory Environment**

Nil

#### **Strategic Implications**

Timely delivering of the various capital projects which will deliver the objectives of the Community Strategic Plan.

#### **Policy Implications**

Nil

#### **Financial Implications**

To deliver the Capital Works Program within the budgeted allocations.

#### **Consultation**

Nil

#### **Comment**

The Capital Works Projects for the 2017-2018 financial year are detailed be:

**CAPITAL WORKS PROGRAMME 2017-18**

The following assets and works are budgeted to be acquired or undertaken during the year:

		2017/18 ANNUAL BUDGET	2017/18 JULY-AUG ACTUAL	VARIANCE FAV (UNFAV)	COMMENTS
		\$	YTD \$	\$	
<b><u>By Program</u></b>					
The CEO to provide a verbal update on the status of the capital projects as at 31 August 2017					
<b>Governance</b>					
000000-Refurbish Morning Tea /Public Meeting Room	F & E	5,000	0	5,000	Project not commenced
000000- Computus Shelving for Record Management	F & E	4,000	0	4,000	Project not commenced
000000-Admin Mobile Phones,laptop,Computers,Office Equip.	F & E	5,000	0	5,000	Project not commenced
000000-Council Chamber -Table	F & E	4,000	0	4,000	Project not commenced
000000- Admin Centre - Garden Reticulation	L & B	7,000	0	7,000	Project not commenced
000000- Admin Centre -Records Fit Coolroom Panels to Sea Container	L & B	16,800	0	16,800	Project not commenced
000000- Motor Vehicle CEO	P & E	86,030	0	86,030	Project not commenced
000000- Motor Vehicle CGTS	P & E	66,485	0	66,485	Project not commenced
<b>Law Order Public Safety</b>					
000000-CCTV Yalgoo Townsite	F & E	60,248	0	60,248	Project not commenced
<b>Housing</b>					
000000-Staff Housing - Security	L & B	65,000	0	65,000	Project not commenced
000000-Two Units 17 Shemrock Street	L & B	300,000	0	300,000	Project not commenced
<b>Recreation and Culture</b>					
000000 - Furn. & Equip - Art Centre	F & E	15,430	14,984	446	CEO to provide comment at the meeting
000000 - Furn. & Equip - Day Care Centre	F & E	15,596	4,768	10,828	CEO to provide comment at the meeting

		2017/18 ANNUAL BUDGET	2017/18 JULY-AUG ACTUAL	VARIANCE FAV (UNFAV)	COMMENTS
		\$	YTD \$	\$	
000000 - Furn. & Equip - Community Hall	F & E	0	7,936	(7,936)	CEO to provide comment at the meeting
000000 - Arts and Crafts Building	L & B	40,488	52,593	(12,105)	CEO to provide comment at the meeting
000000-Power Supply Mens Shed and Rifle Club	L & B	19,000	0	19,000	Project not commenced
000000-Payne Find Complex - External Painting	L & B	8,000	0	8,000	Project not commenced
000000-Payne Find Complex - Internal Painting	L & B	4,000	0	4,000	Project not commenced
000000 -Community and Youth Centre CLGF 2012-13 Unspent	L & B	44,222	32,064	12,158	CEO to provide comment at the meeting
000000 - Community Hall - Air Conditioner	L & B	10,500	0	10,500	Project not commenced
000000-Ride on Mower	P & E	25,000	0	25,000	Project not commenced
000000- Community/School Oval Shared Use Development	Recreation	937,000	0	937,000	Project not commenced
<b>Transport</b>					
000000- Machinery Shed Depot	L & B	135,000	0	135,000	Project not commenced
000000-Flood Control -Fuel Station	L & B	27,300	0	27,300	Project not commenced
000000- Depot -Electric Boundary Fence and Gate	L & B	25,000	0	25,000	Project not commenced
000000- Catapillar Wheel Loader 950M	P & E	314,350	0	314,350	Project not commenced
000000- Paynes Find Airstrip Fence	Other	45,000	0	45,000	Project not commenced
000000-Solar Lights Paynes Find	Other	12,000	14,937	(2,937)	CEO to provide comment at the meeting
000000-Paynes Find Beautification	Other	18,658	0	18,658	Project not commenced
<b>ROADS TO RECOVERY GRANTS</b>					
000000- Yalgoo/Morawa Road - Widen to 7m	Roads	530,119	0	530,119	Project not commenced
<b>RRG SPECIAL GRANT RD WORKS</b>					
000000- Yalgoo/Ninghan Road - Seal to width 4m SLK48.8 to SLK 36.6	Roads	293,500	0	293,500	Project not commenced

The following assets and works are budgeted to be acquired or undertaken during the year:

		2017/18 ANNUAL BUDGET	2017/18 JULY-AUG ACTUAL	VARIANCE FAV (UNFAV)	COMMENTS
		\$	YTD \$	\$	
<b><u>By Program</u></b>					
<b>Transport</b>					
MUNICIPAL FUND					
000000- North Road - Crossing	Roads	10,000	0	10,000	Project not commenced
<b>Economic Services</b>					
000000-Caravan Park - Sealing of Parking Bays and Driveways	L & B	22,000	0	22,000	Project not commenced
000000 - Storage and POS Facility - Caravan Park	L & B	18,800	0	18,800	Project not commenced
000000- Shelter and Seating Jokker Tunnel	L & B	4,054	0	4,054	Project not commenced
000000- Shelter and Visitors Board at Railway Station	L & B	4,054	0	4,054	Project not commenced
<b>Other Property and Services</b>					
000000-Mens Shed Upgrade	L & B	15,000	0	15,000	Project not commenced
		<b>3,213,634</b>	<b>127,282</b>	<b>3,086,352</b>	

The CEO to provide a verbal update on the status of the capital projects as at 31 August 2017



**Voting Requirements**

Simple Majority

**OFFICER RECOMMENDATION**

**Progress Report on the Capital Works Program 2017 - 2018**

**That Council receive the Progress Report on the Capital Works Program 2017 – 2018 as at August 2017.**

**Moved:**

**Seconded:**

**Motion put and carried/lost**

## 11.2 DEVELOPMENT, PLANNING AND ENVIRONMENTAL HEALTH

Nil

## 11.3 FINANCE

### 11.3.1 Accounts for Payment September 2017

Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	17 October 2017
Attachments	Nil

#### Matter for Consideration

Council approve the Accounts for Payment list for the period 1 September 2017 to 30 September 2017 as detailed in the report below.

#### Background

The Local Government Act 1995 and the Local Government (Financial Management) Regulations 1996 requires the Chief Executive Officer to present a list of accounts paid and/or payable to Council and such to be recorded in the minutes of the meeting.

#### Statutory Environment

*Local Government Act 1995*

*6.10 Financial Management regulations*

Regulations may provide for –

- a. The security and banking of money received by a local government' and
- b. The keeping of financial records by a local government; and
- c. The management by a local government of its assets, liabilities and revenue; and
- d. The general management of, and the authorisation of payments out of –
  - I. The municipal fund; and
  - II. The trust fund, of a local government.

#### Local Government (Financial Management) Regulations 1996

13. Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.
  1. If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared –
    - I. The payee's name; and
    - II. The amount of the payment; and
    - III. The date of the payment; and
    - IV. Sufficient information to identify the transaction.
  2. A list of accounts for approval to be paid is to be prepared each month showing –
    - a. For each account which requires council authorisation in that month –
      - I. The payee's name; and
      - II. The amount of the payment; and
      - III. Sufficient information to identify the transaction; and
    - b. The date of the meeting of the council to which the list is to be presented.
  3. A list prepared under subregulation (1) or (2) is to be –

- a. Presented to the council at the next ordinary meeting of the council after the list is prepared; and
- b. Recorded in the minutes of that meeting.

**Strategic Implications**

Nil

**Financial Implications**

Nil

**Consultation**

Nil

**Comment**

The list of accounts paid for the period 1 September 2017 to 30 September 2017 are as follows:

<b>_ID</b>	<b>Cheque Date</b>	<b>Creditor's Name</b>	<b>Invoice Details</b>	<b>Total Amount \$</b>
Bill Pmt -Cheque	25/08/2017	Asphalt in a Bag	Pallet of 50 x 20kg Asphalt in a bag	1718.75
Bill Pmt -Cheque	25/08/2017	Civic Legal	Legal Expenses Legal Expenses Legal Expenses	8410.60
Bill Pmt -Cheque	25/08/2017	Rocke, David	Stationery for BFB	96.09
Bill Pmt -Cheque	25/08/2017	Kanny, Joanne	Child Care 29.07.17 - Walga Conference Travel 29.07.17 - WALGA Conference	2437.10
Bill Pmt -Cheque	25/08/2017	Hill, Judith	Art Supplies for Ladies Group Project Expenses	134.49
Bill Pmt -Cheque	25/08/2017	Landgate	Valuations mining tenements	46.20
Bill Pmt -Cheque	25/08/2017	Marketforce	ADVERTISEMENT FOR CHANGE OF COUNCIL MEETING DATE T	157.39
Bill Pmt -Cheque	25/08/2017	Minjar Gold Pty Ltd	Refund Rates Dead Tenement - A1728	946.74
Bill Pmt -Cheque	25/08/2017	Grinham, Neil	MRVC Meeting Mt Magnet - 12.08.17	411.88
Bill Pmt -Cheque	25/08/2017	Staples Australia Pty Limited	Furniture and Equipment2 seater lounge	549.00
Bill Pmt -Cheque	25/08/2017	ThinkWater Geraldton	Pump Fittings for a pump Roll of Polly Pipe	2648.15
Bill Pmt -Cheque	25/08/2017	WALGA	Planning Practices - Joanne Kanny Planning Practices - Advanced: Joanne Kanny	1030.00
Bill Pmt -Cheque	25/08/2017	HARVEY NORMAN FURNITURE & BEDDING	Furniture for Hall, Daycare Centre, Art Centre	17424.90
Bill Pmt -Cheque	25/08/2017	DATACOM SOLUTIONS (AU) PTY LTD	EXPENSE RECOVERY	6647.82
Bill Pmt -Cheque	25/08/2017	ELLIS & SONS CONSTRUCTION	REPAIRS TO DOOR FRAME REMOVE AND INSTALL NEW BLINDS REPAIRS repairs to screen door	4880.70
Bill Pmt -Cheque	25/08/2017	OCEAN CENTRE HOTEL	ACCOMMODATION - RAUL	227.00
Bill Pmt -Cheque	25/08/2017	ABROLHOS STEEL	Chain Mesh	852.97
Bill Pmt -Cheque	25/08/2017	NOVUS AUTO GLASS MALAGA	Supply and Fit Windscreen - YA0	334.35
Bill Pmt -Cheque	25/08/2017	WESTON HOLDINGS PTY LTD	HOUSING INSPECTIONS ON SHIRE PROPERTIES	3300.00
Bill Pmt -Cheque	25/08/2017	HARVEY NORMAN ELECTRICS GERALDTON	Furniture for Hall, Art Centre, Daycare Centre	12410.00
Bill Pmt -Cheque	25/08/2017	HARVEY NORMAN COMPUTER SUPERSTORE	Acer Computer voice recorder (2) modem router	2064.00
Bill Pmt -Cheque	25/08/2017	LGRCEU	Payroll Union Fees July 2017	82.00

<b>_ID</b>	<b>Cheque Date</b>	<b>Creditor's Name</b>	<b>Invoice Details</b>	<b>Total Amount \$</b>
Bill Pmt -Cheque	25/08/2017	CHILD SUPPORT	Child Support Deductions July 2017	352.56
Bill Pmt -Cheque	25/08/2017	SHIRE OF YALGOO MUNICIPAL FUND	Staff Housing Rent Debtor Repayments	750.00
Bill Pmt -Cheque	31/08/2017	BOQ Asset Finance & Leasing Pty Ltd	COPIER LEASING	329.50
Bill Pmt -Cheque	31/08/2017	Bunnings Building Supplies Pty Ltd	Various supplies for Caravan Park 8 GALVINSIED BOLTS, 2 X MASONRY DRILL BITS, SMAL B	167.99
Bill Pmt -Cheque	31/08/2017	Canine Control	Ranger Service - 7 August 2017 Ranger Service - 25 August 2017	1898.06
Bill Pmt -Cheque	31/08/2017	Courier Australia	Freight Charges - Staples Asphalt In A Bag	1400.51
Bill Pmt -Cheque	31/08/2017	Rocke, David	Pour footings for brigade water tanker Cleaning of Complex	157.34
Bill Pmt -Cheque	31/08/2017	Dominic Carbone & Associates	Consultancy Service	12540.00
Bill Pmt -Cheque	31/08/2017	Duxton Hotel	Accommodation and Meals for WALGA Week: Silvio Bre Accommodation and Meals for WALGA Week - Neil Grin Accommodation and Meals for WALGA Week - Raul Vale	5483.40
Bill Pmt -Cheque	31/08/2017	Five Star Business Equipment & Comms	Copier Support	1524.35
Bill Pmt -Cheque	31/08/2017	Trenfield, Gail	Council Meeting Fee - 25.08.17 Communications Allowance 25.08.17	527.67
Bill Pmt -Cheque	31/08/2017	Geraldton Toyota	50,000km service	423.53
Bill Pmt -Cheque	31/08/2017	Horizon Power	power supply charges lot 37 shamrock st - ATU system power supply charges STREET LIGHT TARRIF CHARGES	11430.41
Bill Pmt -Cheque	31/08/2017	Kanny, Joanne	Child Care Fees Council Meeting Fee - 25.08.17 Communications Allowance - 25.08.17 Travel Allowance - 25.08.17	695.62
Bill Pmt -Cheque	31/08/2017	Mt Magnet Waste Disposal	Pumpout Septics at Admin Office and Race Course	1525.00
Bill Pmt -Cheque	31/08/2017	Mulga Mail	Adertising for the 2017 Yalgoo Emu Cup	775.00
Bill Pmt -Cheque	31/08/2017	Grinham, Neil	President Allowance - 25.08.2017 Council Meeting Fee - 25.08.2017 Communications Allowance - 25.08.2017	1598.67
Bill Pmt -Cheque	31/08/2017	PaynesFind Road House & Tavern	Accommodation and meals for Ted and Jordon at Paynes Find	628.00
Bill Pmt -Cheque	31/08/2017	Pemco Diesel Pty Ltd	5000hr service - YA465	4626.49
Bill Pmt -Cheque	31/08/2017	PIVOTEL SATELLITE PTY LIMITED	Sat phone account sat phone charges	1268.00
Bill Pmt -Cheque	31/08/2017	RAMM SOFTWARE PTY LTD	RAMM Annual Support & Maintenance Fee 1/07/2017 -	6469.18

<b>_ID</b>	<b>Cheque Date</b>	<b>Creditor's Name</b>	<b>Invoice Details</b>	<b>Total Amount \$</b>
Bill Pmt -Cheque	31/08/2017	Grinham, Robert	Council Meeting Fee - 25.08.2017 Communications Allowance - 25.08.2017 Travel Allowance - 25.08.2017	745.49
Bill Pmt -Cheque	31/08/2017	Staples Australia Pty Limited	Furniture and Equipment3 seater lounge - Admin Various Office Supplies	1526.48
Bill Pmt -Cheque	31/08/2017	Truckline Geraldton	10 Straps & 4 Chains	420.64
Bill Pmt -Cheque	31/08/2017	Veolia Environmental Services	Service Collection Fee	4005.94
Bill Pmt -Cheque	31/08/2017	WALGA	2017 WALGA Convention - Silvio Brenzi 2017 WALGA Convention Full Delegate Registration - 2017 WALGA Convention Full Delegate Registration 2017 WALGA Convention Full Delegate Registration - 2017 WALGA Convention - Attendee: Kathryn Peet 2017 WALGA Convention Full Delegate Registration -	6835.02
Bill Pmt -Cheque	31/08/2017	OCEAN CENTRE HOTEL	Accommodation and Meals For Elisha Hodder	905.70
Bill Pmt -Cheque	31/08/2017	Westrac Equipment Pty Ltd	YA 860 - 120lt oil, wheel seal and related parts	267.35
Bill Pmt -Cheque	31/08/2017	E & MJ ROSHER	Filters for Kubota YA499 & Parts for Kobota Slashe	706.25
Bill Pmt -Cheque	31/08/2017	REILLY & CO	supply 10 custom designed polo shirets for 2017 Ya	431.20
Bill Pmt -Cheque	31/08/2017	PROMOTIONS INTERNATIONAL PTY LIMITED	PURCHASE OF CAPS FOR YALGOO EMU CUP 2017	715.00
Bill Pmt -Cheque	5/09/2017	Pratt, Ray	Parts for YA453	270.20
Bill Pmt -Cheque	5/09/2017	DUTCHY'S TRIM SHOP PTY LTD	Supply, Manufacture & install Shade Sails	35269.98
Bill Pmt -Cheque	21/09/2017	AMPAC Debt Recovery (WA) Pty Ltd	Debt Recovery Debt Recovery Debt Recovery	26.95
Bill Pmt -Cheque	21/09/2017	Beaurepaires	2 x Tyres: YA465, YA795 Truck Tyres- YA479, YA424	2193.44
Bill Pmt -Cheque	21/09/2017	Civic Legal	Breach of Road Access & Public Benefit Agreement Native Title Matter vandalism & damage to chapel advice on options against Department of Biodiversi Audit Letter 2017	11699.60
Bill Pmt -Cheque	21/09/2017	Trenfield, Gail	Meals at Womens Forum Travel Allowance - Women's Forum	1277.40
Bill Pmt -Cheque	21/09/2017	REFUEL AUSTRALIA	AUGUST FUEL CHARGES	14255.49
Bill Pmt -Cheque	21/09/2017	Geraldton Trophy Centre	Engraving of Brass Plate - P Lawson	27.50
Bill Pmt -Cheque	21/09/2017	ThinkWater Geraldton	BOX 50 ELECTRICAL JOINERS	80.00

<b>_ID</b>	<b>Cheque Date</b>	<b>Creditor's Name</b>	<b>Invoice Details</b>	<b>Total Amount \$</b>
Bill Pmt -Cheque	21/09/2017	Totally Workwear Geraldton	WORK UNIFORS FOR TED BUKELIS WORK UNIFORS FOR JORDON COMEAGAIN WORK UNIFORS FOR RYAN EGAN WORK UNIFORS FOR DARREN HAWKINS WORK UNIFORS FOR PHILLIP HILL WORK UNIFORS FOR CRAIG HODDER WORK UNIFORS FOR RAY WINFIELD 3 tops J HILL WORK UNIFORS FOR ANDREW MCSPORRAN WORK UNIFORS FOR RYAN EGAN WORK UNIFORS FOR RAY PRATT 6 X 5 LTRS WATER BOTTLES WORK UNIFORS FOR ANDRES MCSPORRAN	4463.89
Bill Pmt -Cheque	21/09/2017	Westside Painting Service	Prepare and Apply Timber Oil - 54 Campbell St Prepare and Paint doors - 18D Shamrock St Prepare and Paint Pelmet	2310.00
Bill Pmt -Cheque	21/09/2017	Yalgoo Hotel Motel	Accommodation and Meals - Bill Atyeo COUNCIL LUNCH - 28 JULY 2017 Meals: Dominic ACCOMMODATION & MEALS: BILL ATYEO - 14, 15 & 16 AU	1443.70
Bill Pmt -Cheque	21/09/2017	ELLIS & SONS CONSTRUCTION	Repairs to Decking Repair Sliding Door Repair Toil remove and replace damaged doors	7219.30
Bill Pmt -Cheque	21/09/2017	ESPLANADE HOTEL FREMANTLE	ACCOMMODATION & MEALS: GAIL TRANFIELD - 30 AUGUST	605.00
Bill Pmt -Cheque	21/09/2017	LGRCEU	Monthly Payroll Deductions - Union Fees	41.00
Bill Pmt -Cheque	21/09/2017	CHILD SUPPORT	Monthly Payroll Deduction	352.56
Bill Pmt -Cheque	21/09/2017	SHIRE OF YALGOO MUNICIPAL FUND	Monthly Payroll Deductions: Staff Housing Rent	1200.00
Bill Pmt -Cheque	21/09/2017	BP MECHANICAL MAINTENANCE	SERVICE TO KUBOTA SLASHER - YA487 190H SERVICE - YA499 service and repairs - YA890 service - YA1611 SERVICE - TORO MOWER SERVICE & REPAIRS - YA1622 SERVICE & REPAIRS - YA479 SERVICE & REPAIRS - YA1613	3670.01
Bill Pmt -Cheque	21/09/2017	WOELK, THOMAS	Overpayment for Unit Hire carvan park	80.00
Bill Pmt -Cheque	21/09/2017	MIDWEST TRAFFIC CONTROLLERS	TRAFFIC MANAGEMENT AT PAYNES FIND TRAFFIC MANAGEMENT PAYNES FIND	8690.00
Bill Pmt -Cheque	21/09/2017	CLEWS, JO	COMPLEX HIRE BOND & ALCOHOL REFUND	2300.00

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**TOTAL** **235,416.50**

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**Voting Requirements**

Simple Majority

**OFFICER RECOMMENDATION**

**Accounts for Payment September 2017**

**That Council approve the list of accounts paid for the period 1 September 2017 to 30 September 2017 amounting to \$235,416.50 and the list be recorded in the Minutes.**

**Moved:**

**Seconded:**

**Motion put and carried/lost**



### 11.3.2 Investments as at 30 September 2017

Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	17 October 2017
Attachments	Nil

#### Matter for Consideration

That Council receive the Investment Report as at 30 September 2017.

#### Background

Money held in the Municipal Fund of the Shire of Yalgoo that is not required for the time being may be invested under the Trustee Act 1962 Part III.

#### Statutory Environment

##### Local Government Act 1995

##### 6.14. Power to invest

- (1) Money held in the municipal fund or the trust fund of a local government that is not, for the time being, required by the local government for any other purpose may be invested as trust funds may be invested under the *Trustees Act 1962* Part III.
- (2A) A local government is to comply with the regulations when investing money referred to in subsection (1).
- (2) Regulations in relation to investments by local governments may —
  - (a) make provision in respect of the investment of money referred to in subsection (1); and
  - [(b) *deleted*]
  - (c) prescribe circumstances in which a local government is required to invest money held by it; and
  - (d) provide for the application of investment earnings; and
  - (e) generally provide for the management of those investments.

##### Local Government (Financial Management) Regulations 1996

##### 19. Investments, control procedures for

- (1) A local government is to establish and document internal control procedures to be followed by employees to ensure control over investments.
- (2) The control procedures are to enable the identification of —
  - (a) the nature and location of all investments; and
  - (b) the transactions related to each investment.

##### 19C. Investment of money, restrictions on (Act s. 6.14(2)(a))

- (1) In this regulation —
 

**authorised institution** means —

  - (a) an authorised deposit-taking institution as defined in the *Banking Act 1959* (Commonwealth) section 5; or
  - (b) the Western Australian Treasury Corporation established by the *Western Australian Treasury Corporation Act 1986*;

**foreign currency** means a currency except the currency of Australia.
- (2) When investing money under section 6.14(1), a local government may not do any of the following —

- (a) deposit with an institution except an authorised institution;
- (b) deposit for a fixed term of more than 12 months;
- (c) invest in bonds that are not guaranteed by the Commonwealth Government, or a State or Territory government;
- (d) invest in bonds with a term to maturity of more than 3 years;
- (e) invest in a foreign currency.

**Strategic Implications**

Nil

**Consultation**

Nil

**Comment**

The worksheet below details the investments held by the Shire as at 30 September 2017:

SHIRE OF YALGOO INVESTMENTS AS AT 30 SEPTEMBER 2017								
INSTITUTIONS	SHORT TERM RATING	INVESTMENT TYPE	ACCOUNT N <sup>o</sup>	TERM	DATE OF TRANSACTION	DATE OF MATURITY	INTEREST RATE	PRINCIPAL
<b>MUNICIPAL FUND</b>								
Note Balance as per Bank Statement								
NAB	N/A	Operating a/c	50-832-4520	Ongoing	N/A	N/A	Variable	\$1,807,929.64
NAB	N/A	Cash Maximiser	86-538-7363	Ongoing	N/A	N/A	Variable	\$40,988.05
NAB	N/A	Term Deposit	89-977-1574	3 month 1 day	27.09.2017	28.12.2017	2.51%	\$61,617.66
NAB	N/A	Short Term Investment	24-831-4222	Ongoing	N/A	N/A	Variable	\$51,668.99
<b>TOTAL</b>								<b>\$1,962,204.34</b>
<b>RESERVE FUNDS</b>								
NAB	N/A	Term Deposit	97-511-445	3 months	28.09.2017	28.12.2017	2.51%	\$159,597.38
NAB	N/A	Term Deposit	89-972-5236	90 days	28.09.2017	27.12.2017	2.10%	\$443,016.41
NAB	N/A	Term Deposit	11-186-3992	2 months 29 days	28.09.2017	27.12.2017	1.75%	\$1,056,833.09
<b>TOTAL</b>								<b>\$1,659,446.88</b>
<b>TRUST</b>								
NAB	N/A	Trust a/c	50-832-4559	Ongoing	N/A	N/A	Variable	\$21,738.51
<b>TOTAL</b>								<b>\$21,738.51</b>

INVESTMENT REGISTER						
01 JULY 2017 TO 30 SEPTEMBER 2017						
NATIONAL AUSTRALIA BANK						
ACCOUNT N <sup>o</sup>	DATE OF MATURITY	INTEREST RATE	OPENING BALANCE	INTEREST EARNED TO 30.09.2017	INVESTMENT TRANSFERS	CLOSING BALANCE 31.08.2017
86-538-7363	Ongoing	Variable	\$40,929.28	\$58.77	0	\$40,988.05
89-977-1574	28.12.2017	2.51%	\$61,392.89	\$224.77	0	\$61,617.66
24-831-4222	Ongoing	Variable	\$51,594.90	\$74.09	0	\$51,668.99
97-511-4454	28.12.2017	2.51%	\$158,650.69	\$946.69	0	\$159,597.38
89-972-5236	27.12.2017	2.10%	\$440,410.14	\$2,606.27	0	\$443,016.41
11-186-3992	27.12.2017	1.75%	\$1,050,564.24	\$6,268.85	0	\$1,056,833.09

**Voting Requirements**

Simple Majority

**OFFICER RECOMMENDATION**

**Investments as at 30 September 2017**

**That the Investment Report as at 30 September 2017 be received.**

**Moved:**

**Seconded:**

**Motion put and carried/lost**

### 11.3.3 Financial Activity Statement for the Period ended the 31 July 2017

Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	17 October 2017
Attachments (Green Cover) Pages 1 - 37	<ul style="list-style-type: none"> <li>• Statement of Comprehensive Income ending the 31 July 2017;</li> <li>• Financial Activity Statement; ending 31 July 2017</li> <li>• Summary of Current Assets and Current Liabilities as of 31 July 2017;</li> <li>• Statement of Current Financial Position as at 31 July 2017;</li> <li>• Detailed worksheets;</li> <li>• Other Supplementary Financial Reports:                             <ul style="list-style-type: none"> <li>○ Reserve Funds;</li> <li>○ Loan Funds;</li> <li>○ Trust Fund</li> </ul> </li> </ul>

#### Matter for Consideration

Adoption of the Monthly Financial Statements.

#### Background

The Local Government Act and Regulations require local governments to prepare monthly reports containing the information that is prescribed.

#### Statutory Environment

##### *Local Government Act 1995*

Section 6.4—Specifies that a local government is to prepare such other financial reports as are prescribed.

##### *Local Government (Financial Management) Regulations 1996*

Regulation 34 states:

- (1) A local government is to prepare each month a statement of financial activity reporting on the sources and applications of funds, as set out in the annual budget under regulation 22(1)(d) for that month in the following detail:
  - (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);
  - (b) budget estimates to the end of month to which the statement relates;
  - (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;
  - (d) material variances between the comparable amounts referred to in paragraphs (b) and (c);
  - (e) the net current assets at the end of the month to which the statement relates.

Sub regulations 2, 3, 4, 5, and 6 prescribe further details of information to be included in the monthly statement of financial activity.

#### Strategic Implications

Provision of timely accounting information to inform Council of the financial status and financial affairs of the local government.

Reports showing year to date financial performance allow monitoring of actual expenditure, revenue, and overall results against budget targets.

#### Policy Implications

2.4 Material Variance

### **Financial Implications**

The Financial Activity Statements reflect the financial situation of the Shire as at year to date.

### **Consultation**

Nil

### **Comment**

The Shire prepares the monthly financial statements in the statutory format along with the other supplementary financial reports comprising of:

- Statement of Comprehensive Income;
- Statement of Financial Position;
- Reserve Funds;
- Loan Funds; and
- Trust Fund.

The areas where material variances have been experienced (10% or \$10,000 above or below budget) are commented on in the material variance column.

### **Voting Requirements**

Simple Majority

### **OFFICER RECOMMENDATION**

**R34 (1) Financial Activity Statement for the Period ended the 31 July 2017.**

**That Council adopts the Financial Activity Statement for the period ended 31 July 2017.**

**Moved:**

**Seconded:**

**Motion put and carried/lost**

## 11.4 ADMINISTRATION

### 11.4.1 Report on Matters Outstanding s at 17 October 2017

Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	17 October 2017
Attachments	Nil

#### Matter for Consideration

That Council note the report on outstanding matters.

#### Background

The report is compiled from resolutions of Council relating to reports presented to Council, Notice of Motions, and Urgent Business.

#### Statutory Environment

Nil

#### Business Implications

Nil

#### Consultation

Nil

#### Comment

Matters outstanding are detailed below with comments in relation to status.

MATTERS OUTSTANDING			
MEETING DATE	ITEM REFERENCE	RESOLUTION	CURRENT STATUS
18 Aug 16	Establishment of an Emergency Services Training Centre in Yalgoo.	That Council engage the services of a suitable consultant to undertake a review of the Business Case for the construction of a Volunteer Emergency Services Training and Operations Centre/VESTOC in Yalgoo	Consultant yet to be engaged. To be followed up. 2017/18 Budget request for funds for preliminary designs.
27 Oct 16	Employees Collective Enterprise Agreement	Council resolved to authorise CEO to obtain necessary approvals.	The EBA has been reviewed by WALGA to reflect State legislation. The final document has been received, distributed to staff, and voted on. An application will now be made to the Industrial Relations Commission for registration of the EBA.
31 Mar 17	Under-taking a Review of the Shire of Yalgoo Policies	That the CEO under-take a review of the Shire Policies over the next three months	In Progress. WALGA offering support.
28 July 2017	Review of Local Laws	Council authorised the CEO to implement a review of Local Laws	In progress

25 Aug 2017	Letter to Prime Minister	CEO to write a letter as per the request received from the Shire of Plantagenet	CEO to provide an update at the meeting.
25 Aug 2017	Development of Detailed Plans for Oval and Rifle Range Project	Council authorised the CEO to develop detailed plans in relation to option 1.	CEO to provide an update at the meeting.
25 Aug 2017	Termination of Centacare Playgroup Programme	Council to continue to provide the service for a period up to 6 months and a further report to be presented to Council in relation to the ongoing delivery of the Playgroup Programme and its funding.	Report to Council on or before February 2018.
25 Aug 2017	Draft Consultation Plan for Telstra Site 6612005	Council authorised the CEO to prepare a draft Consultation Plan for Telstra Site No. 6612005	CEO to provide an update at the meeting.
22 Sept 17	Certificate of Appreciation to Adrian Comeagain	Council present a Certificate of Appreciation to Adrian Comeagain in recognition of his services to the local Football team development and success	CEO to provide an update at this the meeting
22 Sept 17	Policy No. 10.4 Amendment – Fitness to work	Council adopted the following amendment to the policy. <ul style="list-style-type: none"> <li>- Elected members take part in testing prior to Council business only and not during or prior carrying out their own private business.</li> <li>- Testing will only take place prior to Council events.</li> </ul>	CEO to provide an update at the meeting.

**Voting Requirements**

Simple Majority

**OFFICER RECOMMENDATION**

**Report on Matters Outstanding as at 17 October 2017**

**That Council receives Report N<sup>o</sup> 11.4.1 Report on Matters Outstanding as at 17 October 2017.**

**Moved:**

**Seconded:**

**Motion put and carried/lost**

### 11.4.2 Financial Management – Investment Policy No. 7.10

Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	17 October 2017
Attachments (Green Cover)	Financial Management Investment Policy
Pages 38 - 40	

#### Matter for Consideration

That Council adopt the Investment Policy attached to this report.

#### Background

A local Government is required to adopt an Investment Policy. A review of the Shire’s Policy Manual reveals that a policy has not yet been adopted.

#### Statutory Environment

##### Local Government Act 1995

##### 6.14. Power to invest

- (1) Money held in the municipal fund or the trust fund of a local government that is not, for the time being, required by the local government for any other purpose may be invested as trust funds may be invested under the *Trustees Act 1962* Part III.
- (2A) A local government is to comply with the regulations when investing money referred to in subsection (1).
- (2) Regulations in relation to investments by local governments may —
  - (a) make provision in respect of the investment of money referred to in subsection (1); and
  - [(b) *deleted*]
  - (c) prescribe circumstances in which a local government is required to invest money held by it; and
  - (d) provide for the application of investment earnings; and
  - (e) generally provide for the management of those investments.

##### Local Government (Financial Management) Regulations 1996

##### 19. Investments, control procedures for

- (1) A local government is to establish and document internal control procedures to be followed by employees to ensure control over investments.
- (2) The control procedures are to enable the identification of —
  - (a) the nature and location of all investments; and
  - (b) the transactions related to each investment.

##### 19C. Investment of money, restrictions on (Act s. 6.14(2)(a))

- (1) In this regulation —
 

**authorised institution** means —

  - (a) an authorised deposit-taking institution as defined in the *Banking Act 1959* (Commonwealth) section 5; or
  - (b) the Western Australian Treasury Corporation established by the *Western Australian Treasury Corporation Act 1986*;



**foreign currency** means a currency except the currency of Australia.

- (2) When investing money under section 6.14(1), a local government may not do any of the following —
- (a) deposit with an institution except an authorised institution;
  - (b) deposit for a fixed term of more than 3 years;
  - (c) invest in bonds that are not guaranteed by the Commonwealth Government, or a State or Territory government;
  - (d) invest in bonds with a term to maturity of more than 3 years;
  - (e) invest in a foreign currency.

**Business Implications**

Nil

**Consultation**

Nil

**Comment**

A copy of an Investment Policy is attached for Council consideration and adoption. The draft policy complies with the requirements pursuant to the Local Government Act 1995 and its Financial Management Regulations and the Trustee’s Act 1962.

**Voting Requirements**

Simple Majority

**OFFICER RECOMMENDATION**

**Financial Management – Investment Policy No. 7.10**

**That Council**

- 1. Adopt Investment Policy No. 7.10 as attached to the report.**
- 2. The Shire’s Policy Manual be updated accordingly.**

**Moved:**

**Seconded:**

**Motion put and carried/lost**

### 11.4.3 Shire of Yalgoo Risk Analysis

Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	14 September 2017
Attachments (Green Cover)	- Letter dated 30 June 2017 from Department of Local Government and Communities
Pages 41 - 54	- Web Based FHI – Functional Specification

#### Matter for Consideration

Council to endorse strategies to ensure it has action plans in place to deliver improvements in ratios currently below standard and the Department of Local Government and Communities (Now Department of Local Government Sports and Culture Industries)) be advised as to what actions have been endorsed to achieve the outcomes.

#### Background

The Financial Health Indicator has been designed to assess the financial health of Local Governments. The calculation uses data of seven financial ratios which Local Governments in Western Australia are required to report in their Annual Financial Statements, namely,

- Current Ratios
- Asset Consumptions Ratios
- Asset Renewal ratios
- Asset Sustainability Ratios
- Debt Service Cover Ratios
- Operating Surplus Ratios
- Own Source Revenue Coverage Ratios

The methodology for assessing the financial health of Local Governments consist of the following components.

- 1) Seven scoring functions that take the given financial ratios in the financial year and convert each into a numerical score of between 0 and 10.
- 2) Weightings applied to each numerical score so that when the weighted scores are summed, the Financial Health Indicator is produced for that financial year with a value between 0 and 10. A scale factor of 10 is used to provide a final score of between 0 and 100.

The parameters for the ratio scoring are as follows.

Ratio Name	Low Ratio	Benchmark Ration	High Ratio	Minimum Score	Benchmark Score	Maximum Score
Current	0.75	1.00	1.50	0.00	7.00	10.00
Asset Consumption	0.40	0.50	0.75	0.00	7.00	10.00
Asset Renewal Funding	0.50	0.75	1.10	0.00	7.00	10.00
Asset Sustainability	0.75	0.90	1.20	0.00	7.00	10.00
Debt Service Cover	1.00	2.00	5.00	0.00	7.00	10.00
Operating Surplus	0.00	0.01	0.15	0.00	7.00	10.00
Own Source Revenue	0.30	0.40	0.90	0.00	7.00	10.00

## Statutory Environment

Local Government (Financial Management) Regulations 1996

### Regulation 50. Financial ratios to be included in annual financial report

- (1) The annual financial report is to include, for the financial year covered by the annual financial report and the 2 preceding financial years —
- (a) the current ratio; and
  - (b) the asset consumption ratio; and
  - (c) the asset renewal funding ratio; and
  - (d) the asset sustainability ratio; and
  - (e) the debt service cover ratio; and
  - (f) the operating surplus ratio; and
  - (g) the own source revenue coverage ratio.
- (1aa) Despite subregulation (1), an annual financial report need not include the ratios referred to in subregulation (1)(b) or (c) for the financial years ending on 30 June 2011 or 30 June 2012.
- (1a) The ratios referred to in subregulation (1) may also be expressed as percentages or factors of one.
- (2) In this regulation —
- annual operating surplus before interest and depreciation** means operating revenue minus net operating expense;
- asset consumption ratio** means the ratio determined as follows —
- $$\frac{\text{depreciated replacement cost of depreciable assets}}{\text{current replacement cost of depreciable assets}};$$
- asset renewal funding ratio** means the ratio determined as follows —
- $$\frac{\text{NPV of planned capital renewals over 10 years}}{\text{NPV of required capital expenditure over 10 years}};$$
- asset sustainability ratio** means the ratio determined as follows —
- $$\frac{\text{capital renewal and replacement expenditure}}{\text{depreciation}};$$
- capital renewal and replacement expenditure** means expenditure to renew or replace existing assets;
- current assets** means the total current assets as shown in the balance sheet;
- current liabilities** means the total current liabilities as shown in the balance sheet;
- current ratio** means the ratio determined as follows —
- $$\frac{\text{(current assets minus restricted assets)}}{\text{(current liabilities minus liabilities associated with restricted assets)}};$$
- current replacement cost of depreciable assets** means the cost of replacing assets at current prices;

**debt service cover ratio** means the ratio determined as follows —  

$$\frac{\text{annual operating surplus before interest and depreciation}}{\text{principal and interest;}}$$

**depreciable assets** has the meaning given in the AAS;

**depreciated replacement cost of assets** has the meaning given in the AAS;

**depreciation** has the meaning given in the AAS;

**interest** means interest expense for moneys borrowed, credit obtained or financial accommodation arranged under section 6.20;

**liabilities associated with restricted assets** means the lesser value of a current liability or the cash component of restricted assets held to fund that liability;

**net operating expense** means operating expense excluding interest and depreciation;

**NPV** means net present value;

**operating expense** means the expense that is operating expense for the purposes of the AAS;

**operating revenue** means the revenue that is operating revenue for the purposes of the AAS, excluding —

- (a) grants for the development or acquisition of assets; and
- (b) contributions for the development or acquisition of assets;

[(c)deleted]

**operating surplus ratio** means the ratio determined as follows —  

$$\frac{\text{operating revenue minus operating expense}}{\text{own source operating revenue;}}$$

**other comprehensive income** has the meaning given in the AAS;

**own source operating revenue** means revenue from rates and service charges, fees and user charges, reimbursements and recoveries, interest income and profit on disposal of assets;

**own source revenue coverage ratio** means the ratio determined as follows —  

$$\frac{\text{own source operating revenue}}{\text{operating expense;}}$$

**planned capital renewals** means capital renewal and replacement expenditure as estimated in the long-term financial plan;

**principal and interest** means all principal and interest for moneys borrowed, credit obtained or financial accommodation arranged under section 6.20;

**required capital expenditure** means capital renewal and replacement expenditure as estimated in the asset management plan.

**Consultation**

Nil

**Comment**

The Financial ratios for the Shire for the 3 years to 30 June 2017 are detailed below.

<b>Financial Ratios</b>	<b>2017</b>	<b>2016</b>	<b>2015</b>
Current Ratio	7.02	0.97	1.60
Asset Sustainability Ratio	0.86	1.93	0.00
Debt Service Cover Ratio	26.75	(8.73)	19.65
Operating Surplus Ratio	0.92	(1.00)	0.25
Own Source Revenue Coverage Ratio	0.36	0.30	0.32
Asset Consumption Ratio	0.98	0.73	0.61
Asset Renewal funding Ratio	0.958	0.90	0.91

If one takes into account the distortion for early receipts of the Financial Assistance Grant in the 3 years. Then the ratios are as follows.

<b>Financial Ratios</b>	<b>2017</b>	<b>2016</b>	<b>2015</b>
Current Ratio	2.70	1.81	0.14
Asset Sustainability Ratio	0.86	1.93	0.00
Debt Service Cover Ratio	16.34	1.25	6.51
Operating Surplus Ratio	0.36	(0.47)	(0.30)
Own Source Revenue Coverage Ratio	0.36	0.30	0.32
Asset Consumption Ratio	0.98	0.73	0.61
Asset Renewal funding Ratio	0.958	0.90	0.91

The Financial Health Indicator score for 3 years, 2015-2017 are calculated below.

## Summary Financial Health Indicator Calculator

**Starting Year of Analysis** 2015

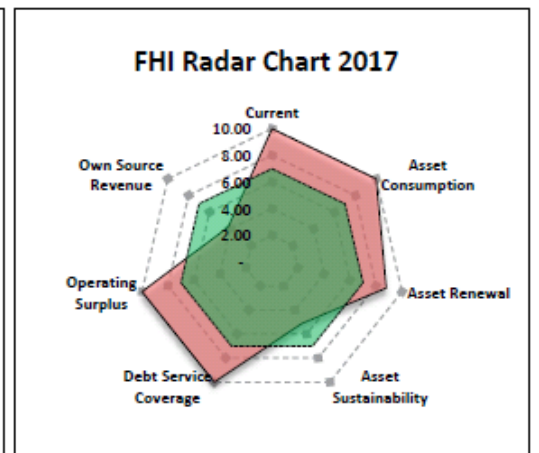
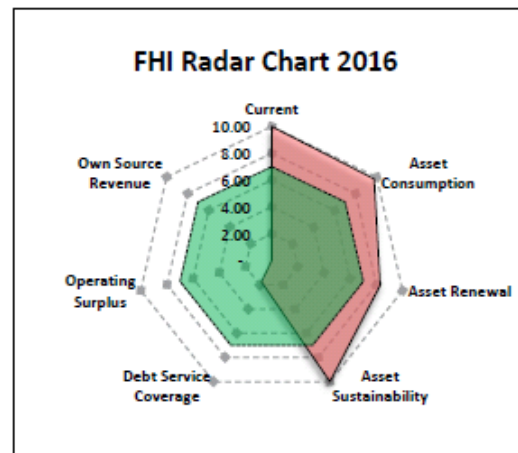
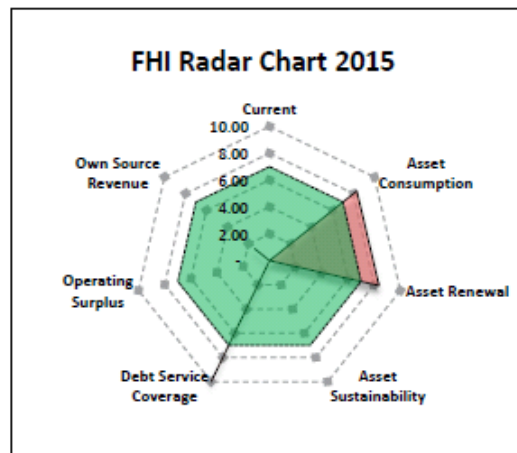
**Input Raw Ratios**

Ratio Names	2015	2016	2017
	Raw Ratios	Raw Ratios	Raw Ratios
1 Current	0.14	1.81	2.70
2 Asset Consumption	0.61	0.73	0.98
3 Asset Renewal	0.91	0.90	0.96
4 Asset Sustainability	-	1.93	0.86
5 Debt Service Coverage	6.51	1.25	16.34
6 Operating Surplus	(0.30)	(0.47)	0.36
7 Own Source Revenue	0.32	0.30	0.36

**Standardised Scores (0 to 10)**

Ratio Names	2015	2016	2017
	Standardised Ratios	Standardised Ratios	Standardised Ratios
1 Current	-	10.00	10.00
2 Asset Consumption	8.32	9.78	10.00
3 Asset Renewal	8.37	8.29	8.78
4 Asset Sustainability	-	10.00	5.13
5 Debt Service Coverage	10.00	1.75	10.00
6 Operating Surplus	-	-	10.00
7 Own Source Revenue	1.40	-	4.20

**Financial Health Indicator** 33 49 88



The Table above indicates that the Financial Health Indicator scores over the period of three years has increased from 33 in 2015 to 88 in 2017. The financial viability of the Shire has improved dramatically as a result of Council better managing its financial resources.

**Voting Requirement**

Simple Majority

**OFFICER RECOMMENDATION**

**That Council**

- 1. Receive the report on the Shire of Yalgoo Risk Analysis**
- 2. Provide a copy to the Department of Local Government Sports and Culture Industries.**

**Moved:**

**Seconded:**

**Motion put and carried/lost**

**11.4.4 Nominations and appointments to Council Standing and Statutory Committees and External Organisations.**

Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	17 October 2017
Attachments	Nil

**Matter for Consideration**

Council to nominate and appoint representation to Council standing and statutory committees and external organizations.

**Background**

Council currently has 2 standing committees namely the Finance Committee and Yalgoo Arts and Cultural Committee and a statutory committee namely the Audit Committee all councillors are members of the Finance and Audit Committee and Council nominates 2 representatives to the Yalgoo Arts and Cultural Committee. Council also nominates delegates to a range of regional organizations which are detailed below.

**Statutory Environment**

**Local Government Act 1995**

**Sections 5.8 to 5.25 set out the requirements for the operations of a committees of Council.**

**5.8. Establishment of committees**

A local government may establish\* committees of 3 or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.

*\* Absolute majority required.*

**5.9. Committees, types of**

- (1) In this section —  
**other person** means a person who is not a council member or an employee.
- (2) A committee is to comprise —
  - (a) council members only; or
  - (b) council members and employees; or
  - (c) council members, employees and other persons; or
  - (d) council members and other persons; or
  - (e) employees and other persons; or
  - (f) other persons only.

**5.10. Committee members, appointment of**

- (1) A committee is to have as its members —
  - (a) persons appointed\* by the local government to be members of the committee (other than those referred to in paragraph (b)); and
  - (b) persons who are appointed to be members of the committee under subsection (4) or (5).

*\* Absolute majority required.*



- (2) At any given time each council member is entitled to be a member of at least one committee referred to in section 5.9(2)(a) or (b) and if a council member nominates himself or herself to be a member of such a committee or committees, the local government is to include that council member in the persons appointed under subsection (1)(a) to at least one of those committees as the local government decides.
- (3) Section 52 of the *Interpretation Act 1984* applies to appointments of committee members other than those appointed under subsection (4) or (5) but any power exercised under section 52(1) of that Act can only be exercised on the decision of an absolute majority of the local government.
- (4) If at a meeting of the council a local government is to make an appointment to a committee that has or could have a council member as a member and the mayor or president informs the local government of his or her wish to be a member of the committee, the local government is to appoint the mayor or president to be a member of the committee.
- (5) If at a meeting of the council a local government is to make an appointment to a committee that has or will have an employee as a member and the CEO informs the local government of his or her wish —
  - (a) to be a member of the committee; or
  - (b) that a representative of the CEO be a member of the committee,

the local government is to appoint the CEO or the CEO’s representative, as the case may be, to be a member of the committee.

**5.11A. Deputy committee members**

- (1) The local government may appoint\* a person to be a deputy of a member of a committee and may terminate such an appointment\* at any time.

*\* Absolute majority required.*

- (2) A person who is appointed as a deputy of a member of a committee is to be —
  - (a) if the member of the committee is a council member — a council member; or
  - (b) if the member of the committee is an employee — an employee; or
  - (c) if the member of the committee is not a council member or an employee — a person who is not a council member or an employee; or
  - (d) if the member of the committee is a person appointed under section 5.10(5) — a person nominated by the CEO.
- (3) A deputy of a member of a committee may perform the functions of the member when the member is unable to do so by reason of illness, absence or other cause.
- (4) A deputy of a member of a committee, while acting as a member, has all the functions of and all the protection given to a member.

*[Section 5.11A inserted by No. 17 of 2009 s. 20.]*

**5.11. Committee membership, tenure of**

- (1) Where a person is appointed as a member of a committee under section 5.10(4) or (5), the person’s membership of the committee continues until —
  - (a) the person no longer holds the office by virtue of which the person became a member, or is no longer the CEO, or the CEO’s representative, as the case may be; or
  - (b) the person resigns from membership of the committee; or
  - (c) the committee is disbanded; or
  - (d) the next ordinary elections day,

whichever happens first.

- (2) Where a person is appointed as a member of a committee other than under section 5.10(4) or (5), the person's membership of the committee continues until —
- (a) the term of the person's appointment as a committee member expires; or
  - (b) the local government removes the person from the office of committee member or the office of committee member otherwise becomes vacant; or
  - (c) the committee is disbanded; or
  - (d) the next ordinary elections day,
- whichever happens first.

**7.1A. Audit committee**

- (1) A local government is to establish an audit committee of 3 or more persons to exercise the powers and discharge the duties conferred on it.
- (2) The members of the audit committee of a local government are to be appointed\* by the local government and at least 3 of the members, and the majority of the members, are to be council members.

*\* Absolute majority required.*

- (3) A CEO is not to be a member of an audit committee and may not nominate a person to be a member of an audit committee or have a person to represent him or her as a member of an audit committee.
- (4) An employee is not to be a member of an audit committee.

[Section 7.1A inserted by No. 49 of 2004 s. 5.]

**Business Implications**

Appointment of representatives to a number of external organisations as per policy 1.7. Nominated delegates to Committee may be entitled to reimbursement of expenses.

**Consultation**

Nil

**Comment**

Council has historically nominated all Councillors to be members of the Audit and Finance Committees. The Council standing and statutory committees and external organizations are as follow.

## Nominations to Council Standing and Statutory Committees and External Organisations 2017-19

Committee / Organisations	Delegate
Murchison Sub Group of the Regional Road Group	Delegates (2):      Cr ..... Cr .....  Deputy Delegate (1): Cr ..... Note: nominations to this committee are made by the Murchison Sub Group NOT by the local government.)
Murchison Executive Group (MEG)	Delegate (1):      CEO
Mid-West Gascoyne Regional Road Group	Delegates (2):      Cr ..... Cr .....  Deputy Delegate:      Cr .....
Murchison Country Zone of WALGA	Delegates (2):      Cr ..... Cr .....  Deputy Delegate:      Cr .....
Murchison Regional Vermin Council (MRVC)	Delegates (2)      Cr ..... Cr .....
Gundruwa Conservation Association (EGRCA)	Representatives (2): Cr ..... Cr .....
Yalgoo Arts and Cultural Committee (YACC)	Representatives (3): Shire President Cr..... Cr..... Cr .....  And Chief Executive Officer, Community Representative Becky Phillips and an other position vacant

Committee / Organisations	Delegate
Development Assessment Panel	Members: Cr ..... Alternates: Cr ..... Note: this committee is by Ministerial appointment following council nomination, with compulsory training required. Members of this committee are not put forward for re-nomination.
Finance Committee (SoY)	Delegates: All Councillors
Audit Committee (SoY)	Delegates: All Councillors
Chief Bush Fire Control Officer	Silvio Brenzi, CEO
Road Inspections (SoY)	Delegates: Cr ..... Cr ..... 1 designated officer appointed by CEO
Mid-West Local Government Emergency Management Network (MWLGEMN)	Delegates: Cr ..... Cr ..... 1 designated officer appointed by CEO
Policy Committee (SoY)	Delegates: All Councillors
Tourism Committee (SoY)	Delegates: TBA

**Voting Requirements**

Absolute Majority

**OFFICER RECOMMENDATION**

**That Council appoint the Following to Council Standing and Statutory Committees and External Organization.**

**Nominations to Council Standing and Statutory Committees and External Organisations 2017-19**

Committee / Organisations	Delegate
<p><b>Murchison Sub Group of the Regional Road Group</b></p>	<p>Delegates (2):      Cr .....</p> <p>                                 Cr .....</p> <p>Deputy Delegate (1):</p> <p>                                 Cr .....</p> <p>Note: nominations to this committee are made by the Murchison Sub Group NOT by the local government.)</p>
<p><b>Murchison Executive Group (MEG)</b></p>	<p>Delegate (1):      CEO</p>
<p><b>Mid-West Gascoyne Regional Road Group</b></p>	<p>Delegates (2):      Cr .....</p> <p>                                 Cr .....</p> <p>Deputy Delegate:      Cr .....</p>
<p><b>Murchison Country Zone of WALGA</b></p>	<p>Delegates (2):      Cr .....</p> <p>                                 Cr .....</p> <p>Deputy Delegate:      Cr .....</p>
<p><b>Murchison Regional Vermin Council (MRVC)</b></p>	<p>Delegates (2)      Cr .....</p> <p>                                 Cr .....</p>
<p><b>Gundawa Conservation Association (EGRCA)</b></p>	<p>Representatives (2): Cr .....</p> <p>                                 Cr .....</p>
<p><b>Yalgoo Arts and Cultural Committee (YACC )</b></p>	<p>Representatives (3):</p> <p>    Shire President Cr.....</p> <p>                                 Cr.....</p> <p>                                 Cr .....</p> <p>And Chief Executive Officer, Community Representative Becky Phillips and an other position vacant</p>
<p><b>Development Assessment Panel</b></p>	<p>Members:      Cr .....</p> <p>Alternates:      Cr .....</p> <p>Note: this committee is by Ministerial appointment following council nomination, with compulsory training required. Members of this committee are not put forward for re-nomination.</p>

Committee / Organisations	Delegate
Finance Committee (SoY)	Delegates: All Councillors
Audit Committee (SoY)	Delegates: All Councillors
Chief Bush Fire Control Officer	Silvio Brenzi, CEO
Road Inspections (SoY)	Delegates: Cr ..... Cr ..... 1 designated officer appointed by CEO
Mid-West Local Government Emergency Management Network (MWLGEMN)	Delegates: Cr ..... Cr ..... 1 designated officer appointed by CEO
Policy Committee (SoY)	Delegates: All Councillors
Tourism Committee (SoY)	Delegates: TBA

**Moved:** \_\_\_\_\_ **Seconded:** \_\_\_\_\_ **Motion put and carried/lost**

### 11.4.5 Application for a Prospecting Licence – Shire of Yalgoo

Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	17 October 2017
Attachments (Green Cover)	- Marking out and applying for Mining Tenements - Application for Mining Tenements
Pages 55 - 72	- Notice of Marking Out - Fees and Charges - Operations report

#### Matter for Consideration

That Council authorise the Chief Executive Officer to make an application for a prospecting licence on behalf of the Shire of Yalgoo.

#### Background

In order that visitors to Yalgoo can prospect they need permission from the tenement holder or pastoral lease holder along with a Miners Right. Otherwise a Miners Right authorises the holder to prospect on Crown Land which under the mining Act is pastoral lease land (open area for grazing), vacant crown land (land not owned or reserved) and land reserved for the purpose of Common, mining and public liability.

#### Statutory Environment

#### PART IIIA Miner’s rights and related permits

##### 40A. Terms used

In this Part —

**available land**, in relation to a miner’s right, means —

- (a) Crown land or conservation land that is not the subject of a mining tenement; or
- (b) Crown land or conservation land that is the subject of an exploration licence if the holder of the miner’s right holds a permit under section 40E in respect of the land;

**conservation land** means land that is prescribed under section 40B as conservation land for the purposes of this Part.

##### 40B. Conservation land

- (1) The regulations may prescribe land as conservation land for the purposes of this Part if —
  - (a) the land is of the class referred to in section 24(1)(c) and is not land that is classified as a class A reserve; and
  - (b) the care, control and management of the land is placed by order under the *Land Administration Act 1997* Part 4 with the Conservation and Parks Commission established under the *Conservation and Land Management Act 1984*.
- (2) Regulations made for the purposes of subsection (1) may only be made with the concurrence of the Minister responsible for the administration of the *Conservation and Land Management Act 1984*.

##### 40C. Issue of miner’s right

- (1) The Minister, the Director General of Mines or a mining registrar may, on the application of any person and on being satisfied of the identity of the person, issue a miner’s right to the person.
- (2) An application for a miner’s right must be accompanied by the prescribed application fee (if any).
- (3) A miner’s right —

- (a) must be in the prescribed form; and
- (b) is not limited in term; and
- (c) is not transferable.

**40D. Authorisation under miner’s right**

- (1) Subject to this Act the holder of a miner’s right is authorised to do all or any of the following things —
  - (a) pass and repass over Crown land or conservation land with such employees and agents, vehicles, machinery and equipment as may be necessary or expedient for the purpose of prospecting and marking out any land which may be made the subject of an application for a mining tenement;
  - (b) prospect for minerals and conduct tests for minerals on available land for the purpose of determining whether to mark out or apply for a mining tenement in respect of any part of the land;
  - (c) extract or remove from available land samples or specimens of rock, ore or minerals with as little damage to the surface of the land as possible, in quantities, in total or on occasions, not exceeding the prescribed limits;
  - (d) keep as the holder’s property or use for testing or evaluation purposes any samples and specimens of any mineral found by the holder on available land;
  - (e) for the purpose of prospecting and for domestic purposes and subject to the *Rights in Water and Irrigation Act 1914*, or any Act amending or replacing the relevant provisions of that Act —
    - (i) take and use water from any natural spring, lake, pool or watercourse situated in or flowing through available land; and
    - (ii) sink a well or bore on available land and take and use water from the well or bore;
  - (f) for the purpose of prospecting, camp on Crown land or conservation land in such manner and subject to such conditions as may be prescribed;
  - (g) fossick by prescribed means on Crown land or conservation land with the prior written consent of —
    - (i) any occupier of that land; and
    - (ii) if the land is subject to a mining tenement, the holder of the mining tenement.
  
- (2) Every miner’s right is to be regarded as having been issued subject to the conditions that the holder of the miner’s right or any other person acting in the exercise or purported exercise of an authorisation conferred or alleged to be conferred by subsection (1) —
  - (a) must not, on conservation land, do any of the things referred to in that subsection unless authorised to do so under the *Conservation and Land Management Act 1984*; and
  - (b) must not use explosives or tools, other than tools prescribed for the purposes of this paragraph or hand tools; and
  - (c) must cause to be filled in or otherwise made safe —
    - (i) all holes, pits, trenches and other disturbances on the surface of the land which were made by the person while acting in the exercise or purported exercise of the authorisation and which are likely to endanger the safety of any person or animal; and
    - (ii) such other holes, pits, trenches and other disturbances made, wholly or in part, by the person as the Minister may from time to time direct;
 and
  - (d) must take all necessary steps to prevent the following —
    - (i) fire damage to trees or other property;



- (ii) damage to property or to livestock by the presence of dogs, the discharge of firearms, the use of vehicles or otherwise.
- (3) The holder of a miner’s right is liable to pay compensation in accordance with section 123, as may be agreed or as may be determined by the warden’s court on the application of the owner or occupier of the land or of the holder of any mining tenement affected, for any loss or damage caused by, and not made good by, the holder or any other person acting in the exercise or purported exercise of an authorisation conferred or alleged to be conferred by subsection (1).
- (4) A determination made by the warden’s court under subsection (3) is, for the purposes of section 147(1), a final determination of the warden’s court.

**40E. Permit to prospect on Crown land or conservation land subject of exploration licence**

- (1) The mining registrar or the holder of a prescribed office in the Department may issue a permit to prospect for minerals on Crown land or conservation land that is the subject of an exploration licence to —
  - (a) a natural person who is the holder of a miner’s right; or
  - (b) 2 or 3 natural persons, each of whom is the holder of a miner’s right, as joint holders of the permit.
- (2) A permit cannot be issued under subsection (1) if the applicant for the permit is already the holder of a permit under this section in respect of the exploration licence to which his or her application relates.
- (3) An application for a permit —
  - (a) must be made in the prescribed form; and
  - (b) must be lodged in the prescribed manner; and
  - (c) must be accompanied by the prescribed application fee (if any).
- (4) The area of land in respect of which a permit is issued is to be specified in the permit in the prescribed manner.
- (5) A permit is subject to such conditions as are imposed in accordance with the regulations and specified in the permit.
- (6) In addition to any conditions that may be imposed under subsection (5) every permit is to be regarded as having been issued subject to conditions that the holder or each holder (in the case of joint holders) —
  - (a) must not use explosives or tools, other than hand tools, on the land the subject of the permit; and
  - (b) must not prospect below the prescribed depth; and
  - (c) must comply with the prescribed limits referred to in section 40D(1)(c); and
  - (d) must not prospect within 100 m of any activities that are being carried out under the authority of an exploration licence; and
  - (e) must not prospect on land that is the subject of a special prospecting licence under section 70.
- (7) A permit is not transferable.

**40F. Power to remove Crown land or conservation land from operation of s. 40E**

- (1) The Minister may, by notice published in the *Gazette*, declare that section 40E does not apply to Crown land or conservation land that is —
  - (a) the subject of a specified exploration licence; or

- (b) in a specified block (within the meaning of Part IV Division 2); or
  - (c) in a specified area of the State.
- (2) The Minister may, by notice published in the *Gazette*, vary or cancel a notice under subsection (1).
  - (3) A notice under this section takes effect on the day on which the notice is published in the *Gazette* or such later day as is specified in the notice.
  - (4) A notice under this section does not affect the operation of a permit issued under section 40E before the day on which the notice takes effect.

**40G. Limitation on actions in tort**

- (1) In this section —  
**permit** means a permit issued under section 40E;  
**permit land** means land that is the subject of both the permit and the exploration licence concerned.
- (2) The holder of a permit cannot bring an action in tort against the holder of an exploration licence for injury, loss or damage suffered by the holder of the permit as a result of —
  - (a) the condition of the permit land; or
  - (b) a thing that the holder of the exploration licence has done on the permit land under the authority of that licence.
- (3) Nothing in subsection (2)(b) prevents the bringing of an action in tort if the thing was done —
  - (a) with the deliberate intent of causing injury, loss or damage to the holder of the permit; or
  - (b) with reckless disregard for the presence of the holder of the permit on the permit land.
- (4) In this section a reference to the doing of a thing includes a reference to an omission to do a thing.

**Part IV — Mining tenements**

*Division 1 — Prospecting licence*

[39A. Deleted by No. 52 of 1995 s. 21.]

**40. Grant of prospecting licence**

- (1) Subject to this Act, the mining registrar or the warden, in accordance with section 42, may, on the application of any person grant to that person a licence to be known as a prospecting licence which shall be subject to such conditions as are prescribed or are imposed pursuant to section 24, 24A or 25 or are specified in the licence.
- (2) The area of land in respect of which any one prospecting licence may be granted shall not exceed 200 ha.
- (3) A person may be granted more than one prospecting licence.

[Section 40 amended by No. 122 of 1982 s. 8; No. 100 of 1985 s. 27; No. 58 of 1994 s. 7; No. 5 of 1997 s. 41(2).]

**41. Application for prospecting licence**

- (1) An application for a prospecting licence —
  - (a) shall be made in the prescribed form; and

- (b) shall be accompanied by the amount of the prescribed rent for the first year or portion thereof as prescribed; and
  - (c) shall be made by reference to a written description of the area of land in respect of which the licence is sought, and be accompanied by a map on which are clearly delineated the boundaries of that area; and
  - [(d) deleted]*
  - (e) shall be lodged in the prescribed manner; and
  - (f) shall be accompanied by the prescribed application fee.
- (2) Within the prescribed period the applicant shall serve such notice of the application as may be prescribed, on the owner and occupier of the land to which the application relates and on such other persons as may be prescribed.

- (3) An applicant for a prospecting licence shall at the request of the mining registrar or warden furnish such further information in relation to his application, or such evidence in support thereof, as the mining registrar or warden may require but the mining registrar or warden shall not require information or evidence relating to assays or other results of any testing or sampling that the applicant may have carried out on the land the subject of his application.

*[Section 41 amended by No. 122 of 1982 s. 9; No. 52 of 1983 s. 3; No. 100 of 1985 s. 28; No. 37 of 1993 s. 26; No. 58 of 1994 s. 8; No. 12 of 2010 s. 16.]*

**42. Determination of application for prospecting licence**

- (1) A person who wishes to object to the granting of an application for a prospecting licence shall lodge a notice of objection within the prescribed time and in the prescribed manner.
- (2) Where no notice of objection is lodged within the prescribed time, or any notice of objection is withdrawn, the mining registrar may —
- (a) grant the prospecting licence if satisfied that the applicant has complied in all respects with the provisions of this Act; or
  - (b) refuse the prospecting licence if not so satisfied.
- (3) Where a notice of objection —
- (a) is lodged within the prescribed time; or
  - (b) is not lodged within the prescribed time but is lodged before the mining registrar has granted or refused the prospecting licence under subsection (2) and the warden is satisfied that there are reasonable grounds for late lodgement,

and the notice of objection is not withdrawn, the warden shall hear and determine the application for the prospecting licence on a day appointed by the warden and may give any person who has lodged such a notice of objection an opportunity to be heard.

*[Section 42 inserted by No. 58 of 1994 s. 9(1); amended by No. 39 of 2004 s. 56; No. 12 of 2010 s. 17.]*

**43. Prospecting licence not to include land already subject of mining tenement**

- (1) Where an application for a prospecting licence relates to land that is, or was when the application was made, the subject of a mining tenement, any prospecting licence granted in respect of that application shall not include that land.
- (2) Subsection (1) does not apply in relation to a special prospecting licence granted under section 56A, 70 or 85B or a prospecting licence granted in respect of an application under section 56B or a reversion licence application.

*[Section 43 inserted by No. 15 of 2002 s. 6; amended by No. 39 of 2004 s. 4; No. 27 of 2005 s. 5.]*

**44. Power to grant prospecting licence over all or part of land in application**

Subject to section 43, a prospecting licence may be granted in respect of all or part of the land to which the application therefor relates.

*[Section 44 amended by No. 100 of 1985 s. 30; No. 15 of 2002 s. 7.]*

**45. Term of prospecting licence**

- (1) A prospecting licence shall, subject to this Act, remain in force for a period of 4 years from and including the date on which it was granted, and shall then expire.
- (1a) Notwithstanding subsection (1) the Minister may, if satisfied that a prescribed ground for extension exists, extend the term of a prospecting licence —
  - (a) by one period of 4 years; and
  - (b) if the licence has retention status, by a further period or periods of 4 years.
- (1b) An application for the extension of the term of a prospecting licence under subsection (1a) (an **extension application**) shall be made within the prescribed time and in the prescribed manner.
- (1c) If an extension application is made in respect of a prospecting licence and the term of the licence would but for this subsection expire, the licence continues in force in respect of the land the subject of the extension application until the application is determined.
- (1d) If —
  - (a) an extension application is made in respect of a prospecting licence the term of which has been extended under subsection (1a)(a); and
  - (b) an application for retention status in respect of the prospecting licence —
    - (i) is pending when the extension application is made; or
    - (ii) is made at the same time as the extension application,
 the extension application shall not be determined until the application for retention status has been determined.
- (1e) If the holder of a prospecting licence transfers the licence after making an extension application in respect of the licence, the extension application continues in the name of the transferee of the licence as if the transferee had made it.
- (2) When a prospecting licence is surrendered, forfeited or expires the land the subject of the prospecting licence or any part thereof shall not be marked out or applied for as a prospecting licence or an exploration licence —
  - (a) by or on behalf of the person who was the holder of the prospecting licence immediately prior to the date of the surrender, forfeiture or expiry; or
  - (b) by or on behalf of any person who had an interest in the prospecting licence immediately prior to that date; or
  - (c) by or on behalf of any person who is related to a person referred to in paragraph (a) or (b),

within a period of 3 months from and including that date.

- (2a) For the purposes of subsection (2)(b) the holding of shares in a listed public company which held the prospecting licence in question does not of itself constitute an interest in the prospecting licence.

*[Section 45 amended by No. 122 of 1982 s. 11; No. 100 of 1985 s. 31; No. 22 of 1990 s. 11; No. 37 of 1993 s. 5; No. 15 of 2002 s. 8; No. 39 of 2004 s. 5(1).]*

**46. Conditions attached to every prospecting licence**

In addition to any conditions that may be prescribed or imposed with respect to a prospecting licence, every prospecting licence shall be deemed to be granted subject to the condition that the holder of the licence will prospect for minerals and to the following conditions —

- (a) that all minerals of economic interest discovered in or on the land the subject of the prospecting licence be promptly reported in writing by the holder to the Minister;
- (aa) that no ground disturbing equipment will be used by the holder when prospecting on the land the subject of the prospecting licence unless —
  - (i) the holder has lodged in the prescribed manner a programme of work in respect of that use; and
  - (ii) the holder has paid the prescribed assessment fee in respect of the programme of work; and
  - (iii) the programme of work has been approved in writing by the Minister or a prescribed official;
- (b) that all holes, pits, trenches and other disturbances to the surface of the land the subject of the prospecting licence which are —
  - (i) made while prospecting; and
  - (ii) in the opinion of a prescribed official, likely to endanger the safety of any person or animal,

will be filled in or otherwise made safe to the satisfaction of the prescribed official;
- (c) that all necessary steps are taken by the holder to prevent fire, damage to trees or other property and to prevent damage to any property or damage to livestock by the presence of dogs, the discharge of firearms, the use of vehicles or otherwise.

*[Section 46 amended by No. 69 of 1981 s. 16; No. 100 of 1985 s. 32; No. 57 of 1997 s. 89(1); No. 39 of 2004 s. 6(1); No. 51 of 2012 s. 16.]*

**46A. Conditions for prevention or reduction of injury to land**

- (1) Reasonable conditions may be imposed on the holder of a prospecting licence for the purpose of preventing or reducing, or making good, injury to the land in respect of which the licence is sought or was granted, or injury to anything on or below the natural surface of that land or consequential damage to any other land.
- (2) A condition may be imposed under this section —
  - (a) by the mining registrar, the warden or the Minister on the granting of the licence; or
  - (b) by the Minister at any subsequent time.
- (3) A condition imposed under this section may be cancelled or varied by the Minister at any time.
- (4) A condition imposed in relation to a licence under this section —
  - (a) may, either in full or with sufficient particularity as to identify the recommendation or other source from which it derives, be endorsed on the licence, for which purpose the holder of the licence shall produce the licence on demand; and
  - (b) whether or not so endorsed, on notice of the imposition of the condition being given in writing to the holder of the licence shall for all purposes have effect as a condition to which the licence is subject.

*[Section 46A inserted by No. 22 of 1990 s. 12; amended by No. 58 of 1994 s. 9(2); No. 12 of 2010 s. 5.]*

**47. Survey of area of prospecting licence not required in first instance**

- (1) On an application for a prospecting licence or on a prospecting licence being granted the land affected is not thereby required to be surveyed, but where a dispute arises with respect to the position of such land or the boundaries or any boundary thereof the warden or Minister may require a survey to be made of the boundaries or the boundary in order to settle the dispute.
- (2) A survey required under subsection (1) shall be —

- (a) arranged in accordance with the regulations; and
- (b) paid for by such party or parties to the dispute as the warden or the Minister determines.

*[Section 47 amended by No. 100 of 1985 s. 33; No. 37 of 1993 s. 28(1); No. 39 of 2004 s. 57.]*

**48. Rights conferred by prospecting licence**

A prospecting licence, while it remains in force, authorises the holder thereof, subject to this Act, and in accordance with any conditions to which the licence may be subject —

- (a) to enter and re-enter the land the subject of the licence with such agents, employees, vehicles, machinery and equipment as may be necessary or expedient for the purpose of prospecting for minerals in, on or under the land;
- (b) to prospect, subject to any conditions imposed under section 24, 24A or 25, for minerals, and to carry on such operations and carry out such works as are necessary for that purpose on such land including digging pits, trenches and holes, and sinking bores and tunnels to the extent necessary for the purpose in, on or under the land;
- (c) to excavate, extract or remove, subject to any conditions imposed under section 24, 24A or 25, from such land, earth, soil, rock, stone, fluid or mineral bearing substances in such amount, in total during the period for which the licence remains in force, as does not exceed the prescribed limit, or in such greater amount as the Minister may, in any case, approve in writing;
- (d) to take and divert, subject to the *Rights in Water and Irrigation Act 1914*, or any Act amending or replacing the relevant provisions of that Act, water from any natural spring, lake, pool or stream situate in or flowing through such land or from any excavation previously made and used for mining purposes and subject to that Act to sink a well or bore on such land and take water therefrom and to use the water so taken for his domestic purposes and for any purpose in connection with prospecting for minerals on the land.

*[Section 48 amended by No. 100 of 1985 s. 34 (as amended by No. 105 of 1986 s. 4); No. 22 of 1990 s. 13; No. 5 of 1997 s. 41(2).]*

**49. Holder of prospecting licence to have priority for grant of mining leases or general purpose leases**

- (1) The holder of a prospecting licence has —
  - (a) subject to this Act and to any conditions to which the prospecting licence is subject; and
  - (b) while the prospecting licence continues in force,

the right to apply for, and subject to section 75(9) to have granted pursuant to section 75(7), one or more mining leases or one or more general purpose leases or both in respect of any part or parts of the land the subject of the prospecting licence.

- (2) Where an application for a mining lease or a general purpose lease is made by the holder of a prospecting licence in respect of any land and the term of the prospecting licence would but for this subsection expire, that licence shall continue in force in respect to the land the subject of that application until the application for a lease is determined.
- (3) If, after an application is made under subsection (1) in respect of land the subject of a prospecting licence —
  - (a) the holder of the licence transfers the licence; or
  - (b) where there are 2 or more holders of the licence, a holder transfers the holder's interest in the licence,

the application continues in the name of the transferee of the licence or interest as if the transferee were the applicant or one of the applicants, as the case requires.

- (4) For the purposes of subsection (3), where there are 2 or more transferees of the prospecting licence, each of the transferees is to be regarded as an applicant for an interest in the relevant

mining lease or general purpose lease that corresponds to the interest held by that transferee in the licence.

**50. Compliance with expenditure conditions**

- (1) During the currency of a prospecting licence the holder thereof shall comply with the prescribed expenditure conditions relating thereto unless in accordance with this Act total or partial exemption therefrom is granted.
- (2) In the case of a prospecting licence that has retention status, expenditure conditions prescribed for the purposes of subsection (1) —
  - (a) shall provide for a reduction calculated in the prescribed manner of the amount of expenditure required during the year of the term of the licence in which retention status is approved; and
  - (b) shall not require expenditure during any subsequent year of the term of the licence.

*[Section 50 amended by No. 39 of 2004 s. 21.]*

**51. Reports of work and expenditure**

The holder of a prospecting licence shall, at such times and in such manner as may be prescribed, file or cause to be filed a report of all work done on, and money expended in connection with, prospecting in the area the subject of the licence, during the period to which the report relates.

*[Section 51 amended by No. 58 of 1994 s. 10; No. 12 of 2010 s. 18.]*

**51A. Geological samples**

The holder of a prospecting licence shall furnish to the Minister such geological samples obtained in the course of operations conducted by the holder under the licence as the Minister may request.

*[Section 51A inserted by No. 39 of 2004 s. 43.]*

**52. Security relating to prospecting licence**

- (1) The applicant for a prospecting licence shall lodge in the prescribed manner and within the prescribed period a security, in respect of each prospecting licence to which the application relates, for compliance with the conditions to which the prospecting licence, if granted, will from time to time be subject and with the provisions of this Part and the regulations.
- (1a) The Minister may require the holder of a prospecting licence to lodge, in the prescribed manner and within such period as the Minister specifies in writing, an additional security for compliance with conditions imposed in relation to the licence under section 46A.
- (2) A security referred to in subsection (1) or (1a) shall be in accordance with and subject to the provisions of section 126.
- (3) A prospecting licence shall not be granted unless a security has been lodged by the applicant for the prospecting licence in accordance with subsection (1).
- (4) Notwithstanding section 154(1), an applicant for a prospecting licence who fails to comply with subsection (1) does not commit an offence against this Act.

*[Section 52 amended by No. 122 of 1982 s. 13; No. 100 of 1985 s. 36; No. 37 of 1993 s. 26; No. 58 of 1994 s. 11; No. 17 of 1999 s. 6(1) and (2); No. 12 of 2010 s. 19.]*

### 53. Application for retention status

- (1) In this section —
  - prospecting licence** does not include a prospecting licence that is a primary tenement for the purposes of Division 2A.
- (2) The holder of a prospecting licence may apply to the Minister for approval of retention status under section 54.
- (3) An application under subsection (2) —
  - (a) shall be in writing; and
  - (b) shall be made in the prescribed manner; and
  - (c) shall contain the prescribed information; and
  - (d) shall be accompanied by any map, statement or other information required by the regulations; and
  - (e) shall be accompanied by the prescribed application fee.
- (4) For the purposes of subsection (3)(d), but without limiting section 162(5), the regulations may require a statement or other information to be in the form of a statutory declaration.
- (5) If the holder of a prospecting licence transfers the licence after making an application under subsection (2) in respect of the licence, the application continues in the name of the transferee of the licence as if the transferee had made it.

*[Section 53 inserted by No. 39 of 2004 s. 22.]*

### 54. Approval of retention status

- (1) The Minister may approve retention status for the whole or any part of the land the subject of a prospecting licence if satisfied that —
  - (a) there is an identified mineral resource located in, on or under that land; and
  - (b) the mining of that identified mineral resource is impracticable because —
    - (i) the resource is uneconomic or subject to marketing problems although the resource may reasonably be expected to become economic or marketable in the future; or
    - (ii) the resource is required to sustain the future operations of an existing or proposed mining operation; or
    - (iii) there are existing political, environmental or other difficulties in obtaining requisite approvals.
- (2) An approval shall be in writing.
- (3) An approval takes effect on the day on which notice of the approval is published in the *Gazette* or on a later day specified in the notice.
- (4) The area of land to which an approval applies shall be an area that, in the opinion of the Minister, is sufficient to include —
  - (a) the land in, on or under which the identified mineral resource is located; and
  - (b) such other land as may be required for future mining operations in respect of that identified mineral resource.
- (5) The area of land to which an approval applies may be less than the area of land in respect of which the approval was sought.
- (6) If retention status is approved for part of the land the subject of a prospecting licence, the holder of the prospecting licence shall mark out in the prescribed manner the boundaries of the land covered by the approval as soon as practicable after the day on which the approval takes effect.



- (7) If retention status is approved for part of the land the subject of a prospecting licence, the land not covered by the approval ceases to be the subject of the licence on the day on which the approval takes effect.

*[Section 54 inserted by No. 39 of 2004 s. 22.]*

**55. Consultation with other Ministers**

- (1) Before approving retention status under section 54 for land of a class referred to in section 24(1), the Minister shall consult and obtain the recommendations of the relevant responsible Minister under section 24(8).
- (2) Before approving retention status under section 54 for land in a marine management area, marine nature reserve or marine park, the Minister shall consult and obtain the recommendations of the other Ministers referred to in section 24A(6).
- (3) Before approving retention status under section 54 for land of a class referred to in section 25(1)(a), (b) or (c), the Minister shall consult and obtain the recommendations of the other Ministers referred to in section 25(2B).
- (4) Before approving retention status under section 54 for land of the class referred to in section 25(1)(d), the Minister shall consult and obtain the recommendations of the other Minister referred to in section 25(3B).

*[Section 55 inserted by No. 39 of 2004 s. 22; amended by No. 19 of 2010 s. 51.]*

**55A. Programme of work**

- (1) On the approval of retention status under section 54, or at any subsequent time, the Minister may impose on the holder of the prospecting licence a condition requiring the holder to comply with a specified programme of work in respect of the land the subject of the licence within a specified period.
- (2) Before imposing a condition under subsection (1), the Minister may require the holder of the licence to submit to the Minister a draft programme of work in a form approved by the Minister and the holder shall comply with that requirement.
- (3) A condition imposed under subsection (1) may be cancelled or varied by the Minister at any time.
- (4) A condition imposed under subsection (1) —
  - (a) may be endorsed on the prospecting licence, for which purpose the holder of the licence shall produce the licence on demand; and
  - (b) whether or not so endorsed, on notice of the imposition of the condition being given in writing to the holder of the licence shall for all purposes have effect as a condition to which the licence is subject.
- (5) In subsection (1) —  
**specified** means specified in writing by the Minister.

*[Section 55A inserted by No. 39 of 2004 s. 22.]*

**55B. Holder of prospecting licence with retention status may be required to apply for mining lease**

- (1) The Minister may at any time, by notice in writing, require the holder of a prospecting licence that has retention status to show cause why a mining lease should not be applied for in respect of the whole or any part of the land the subject of the prospecting licence.
- (2) Where —
  - (a) the holder of a prospecting licence fails to show cause within the time specified in the notice referred to in subsection (1); or
  - (b) the Minister is of the opinion that the holder of a prospecting licence has shown insufficient cause,

the Minister may, by notice in writing, require that holder to apply in accordance with this Act for a mining lease in respect of the whole or any part of the land the subject of the prospecting licence within a period of 60 days from the giving of that notice.

*[Section 55B inserted by No. 39 of 2004 s. 22.]*

**56. Appeal against refusal to grant prospecting licence**

- (1) Where the mining registrar or the warden refuses to grant an application for a prospecting licence or grants the application on conditions the applicant considers unreasonable, the applicant may within the time and in the manner prescribed appeal to the Minister against such refusal or conditions as the case may be.
- (2) The Minister may dismiss the appeal or uphold the appeal and grant the application on such conditions as he considers reasonable.

*[Section 56 inserted by No. 122 of 1982 s. 15; amended by No. 21 of 1993 s. 45; No. 58 of 1994 s. 9(3) and (4); No. 52 of 1995 s. 23.]*

**56A. Special prospecting licences**

- (1) Where any land is the subject of a prospecting licence (in this section called the **primary tenement**) then, notwithstanding section 117, a person may at any time after the expiry of 12 months from —
  - (a) in the case of land which was the subject of a mineral claim or dredging claim granted under the repealed Act that by the operation of the transitional provisions set forth in the Second Schedule Division 1 became subject to the primary tenement, the date of approval of the claim; and
  - (b) in any other case, unless subsection (1aa) applies, the date on which the primary tenement was granted,

mark out and, in accordance with section 41, apply for a prospecting licence for gold (in this section called a **special prospecting licence**) in respect of any part of the land the subject of the primary tenement.

- (1aa) If the primary tenement was granted as a result of an application under section 56B or a reversion licence application, a special prospecting licence may be marked out and applied for at any time after the date on which the primary tenement was granted.
- (1a) A special prospecting licence may only be applied for by, granted to or held by a natural person.
- (2) Unless subsection (5a) applies, an applicant for a special prospecting licence shall, within the prescribed period, serve notice of his application on the holder of the primary tenement as if that holder were the occupier of the land to which that application relates, and subsections (3) to (5) apply in respect of that application.
- (3) If, after being served with notice of an application for a special prospecting licence, the holder of the primary tenement does not lodge an objection against that application, the mining registrar may, subject to this Act, grant that application as provided in subsection (6).
- (4) If the holder of the primary tenement lodges an objection to an application for a special prospecting licence, the warden shall obtain a report from the Director, Geological Survey, in respect of the prospecting carried on by the holder of the primary tenement on the land to which the application relates.
- (4a) A report prepared by the Director, Geological Survey for the purposes of subsection (4) is to be based solely on information contained in reports filed by or on behalf of the holder of the primary tenement under section 51 or 115A.

- (5) After hearing an objection referred to in subsection (4), the warden may refuse the application for the special prospecting licence concerned on the ground that prospecting for gold on the land to which that application relates would result in undue detriment to the prospecting being carried on by the holder of the primary tenement or he may recommend that application to the Minister, who may —
- (a) refuse that application; or
  - (b) subject to this Act, grant that application as provided in subsection (6),
- but, if the warden refuses an application under this subsection, the applicant may within the time and in the manner prescribed appeal to the Minister against that refusal and the Minister may dismiss that appeal or uphold that appeal and grant that application as provided in subsection (6).
- (5a) If at the time when an applicant for a special prospecting licence marked out the land to which his application relates —
- (a) a special prospecting licence was in force in respect of land the subject of the primary tenement; or
  - (b) another application for a special prospecting licence in respect of land the subject of the primary tenement had been made, but had not been determined, under this section,
- the applicant shall, within the prescribed period and in the prescribed manner, lodge the written consent of the holder of the primary tenement to the grant of his application.
- (5b) If written consent to the grant of an application is lodged in accordance with subsection (5a), the mining registrar may, subject to this Act, grant the application as provided for in subsection (6).
- (6) Subject to this section, the mining registrar or the Minister may grant an application for a special prospecting licence on such terms and conditions as he thinks fit, but a special prospecting licence so granted —
- (a) shall not exceed 10 ha in area; and
  - (b) shall authorise the holder thereof to prospect only for gold; and
  - (c) shall not, unless the Minister otherwise directs, prevent the holder of the primary tenement from prospecting for minerals other than gold in or on the land the subject of the special prospecting licence; and
  - (d) does not authorise the holder thereof to excavate, extract or remove during the period for which the tenement remains in force a total amount of earth, soil, rock, stone, fluid or mineral bearing substances in excess of 500 t, except in so far as the prior written approval of the Minister may otherwise permit; and
  - (e) does not authorise mining to be carried out in any portion of the land that is —
    - (i) below a depth specified in the terms and conditions of the special prospecting licence, and any depth so specified shall be less than 50 m below the lowest part of the natural surface of the land the subject of the special prospecting licence; or
    - (ii) if a depth is not so specified, 50 m (or more) below the lowest part of the natural surface of the land the subject of the special prospecting licence, except in so far as both the prior written consent of the holder of the primary tenement and the prior written approval of the Minister may otherwise permit.
- (6aa) A special prospecting licence may be granted for a period of 3 months or for any period which is a multiple of 3 months but which does not exceed 4 years.
- (6a) A special prospecting licence —
- (a) continues in force notwithstanding that the holder of the primary tenement may apply for and be granted a retention licence, mining lease or general purpose lease in respect to the land; but
  - (b) ceases (and the land in respect to which it was granted reverts to the primary tenement holder as an integral part of the tenement held by him) on the surrender, forfeiture or expiry of that special prospecting licence.

- (7) No legal or equitable interest in or affecting —
  - (a) a special prospecting licence; or
  - (b) a mining lease in respect of the land or any part thereof the subject of a special prospecting licence,

is capable of being created, affected or dealt with, whether directly or indirectly, except with the prior written consent of the holder of the primary tenement, and no person shall hold or have any beneficial, legal or equitable interest in —

  - (c) more than 10 such special prospecting licences; or
  - (d) more than one such mining lease.
- (7a) A reference in subsection (7) to a person includes a reference to any other person who would, for the purposes of the Corporations Act, be taken to be an associate of the first-mentioned person.
- (7b) No more than one mining lease in respect of the land or any part thereof which is the subject of a special prospecting licence shall be granted in respect of the primary tenement.
- (8) The holder of a special prospecting licence granted for a period of 4 years may make an application for a mining lease for gold in respect of the land or any part thereof which is the subject of the special prospecting licence, and on an application being made the Minister may, subject to subsection (7b), grant the application for a lease in respect to that portion of the land to which the special prospecting licence relates that is less than a depth of 50 m, or such greater depth as the Minister approves with the prior written consent of the holder of the primary tenement, below the lowest part of the natural surface of the land and on such terms and conditions as the Minister thinks fit, and thereupon the area of land in respect of which that mining lease is granted shall be excised from the primary tenement (whether or not the primary tenement has in the meantime been converted into a retention licence or a mining lease).
- (8aa) Sections 74, 74A and 75 apply to an application for a mining lease under subsection (8).
- (8a) A mining lease granted pursuant to subsection (8) —
  - (a) has effect in relation to gold and any minerals occurring in conjunction with that gold;
  - (b) does not authorise the lessee thereof, his agents or employees to excavate, extract or remove a total amount of earth, soil, rock, stone, fluid or mineral bearing substances in excess of 750 t in any year, except in so far as both the prior written consent of the holder of the primary tenement and the prior written approval of the Minister may otherwise permit;
  - [[c) *deleted*]
  - (d) ceases to have effect (and the land in respect to which it was granted reverts to the primary tenement holder as an integral part of the tenement held by him) on the surrender, forfeiture or expiry of that lease.
- (9) Subject to this section, the provisions of this Act relating to —
  - (a) prospecting licences apply to a special prospecting licence; and
  - (b) mining leases apply to a mining lease,

granted under this section.
- (9a) Where, before the determination of an application for a special prospecting licence in respect of land, the primary tenement is surrendered or forfeited or expires, the application is, by virtue of this subsection, converted into an application for a prospecting licence in respect of that land and the provisions of this Act relating to such applications apply accordingly.
- (10) On the surrender, forfeiture or expiry of the primary tenement, a special prospecting licence in respect of any land the subject of the primary tenement immediately before the date of its surrender, forfeiture or expiry is, by virtue of this subsection, converted into a prospecting licence in respect of that land and, subject to subsection (11), the provisions of this Act relating to prospecting licences apply accordingly.

- (11) Where a special prospecting licence is converted into a prospecting licence, the prospecting licence remains in force, subject to this Act, for the remainder of the period for which the special prospecting licence was granted.
- (12) Subsections (9a) and (10) do not apply if —
- (a) the primary tenement is amalgamated with an exploration licence under section 67A(1); or
  - (b) prior to the surrender, forfeiture or expiry of the primary tenement the holder of the primary tenement applies for a retention licence, a mining lease or a general purpose lease and the licence or lease is subsequently granted in respect of any land the subject of the application for a special prospecting licence or the special prospecting licence, as the case requires; or
  - (c) prior to the surrender, forfeiture or expiry of the primary tenement the holder of the primary tenement makes an application under section 56B and a prospecting licence is granted as a result of that application in respect of any land the subject of the application for a special prospecting licence or the special prospecting licence, as the case requires; or
  - (d) prior to the surrender, forfeiture or expiry of the primary tenement the holder of the primary tenement makes a reversion licence application and a prospecting licence or an exploration licence is granted as a result of that application in respect of any land the subject of the application for a special prospecting licence or the special prospecting licence, as the case requires.

*[Section 56A inserted by No. 122 of 1982 s. 16; amended by No. 100 of 1985 s. 37; No. 22 of 1990 s. 14; No. 21 of 1993 s. 45; No. 37 of 1993 s. 6, 10(2) and 27; No. 58 of 1994 s. 12; No. 52 of 1995 s. 24; No. 54 of 1996 s. 7 and 23; No. 10 of 2001 s. 131; No. 15 of 2002 s. 9; No. 39 of 2004 s. 8; No. 27 of 2005 s. 6; No. 12 of 2010 s. 20; No. 51 of 2012 s. 17.]*

**56B. Certain licence holders to have right to apply for further prospecting licence**

- (1) In this section —  
**relevant licence** means a prospecting licence applied for before 10 February 2006.
- (2) Despite sections 18, 23 and 27 but subject to the other provisions of this Act, the holder of a relevant licence has, while the licence continues in force, the right to apply for a prospecting licence in respect of the whole or any part of the land the subject of the relevant licence.
- (3) Where the holder of a relevant licence exercises the right conferred by subsection (2) and the term of the relevant licence would but for this subsection expire, the relevant licence shall continue in force in respect of the land the subject of the application for a prospecting licence until the application is determined.
- (4) If the holder of a relevant licence transfers the licence after making an application for a prospecting licence in the exercise of the right conferred by subsection (2), the application continues in the name of the transferee of the licence as if the transferee had made it.

*[Section 56B inserted by No. 39 of 2004 s. 7; amended by No. 51 of 2012 s. 18.]*

**Business Implications**

Nil

**Consultation**

Mines and Petroleum Office Mount Magnet

**Comment**

The Shire can apply for a prospecting licence and will be subject to the following conditions.

- Maximum area is 200 hectares
- The area must be marked
- The term of a prospecting licence is 4 years with provision to extend for a further 4 year period.
- The holder of the prospecting licence may extract or disturb up to 5,000 tonnes of materials from the ground.
- Minimum annual expenditure commitment is \$40.00 per hectares or minimum of \$2,000.00

The expenditure is to include

- Mineral Exploration Activities
- Mining Activities
- Aboriginal Heritage Surveys
- Annual Tenement Rent and Rates
- Administration Overheads
- Other (land access, Native Title Costs)

The prospecting licence will provide an area where visitors to Yalgoo can go prospecting with relative ease and close to the town. In turn it will create an opportunity to increase the number of tourists and to lengthen their stay to at least overnight or longer. The application fee is \$323.00 and rent is \$2.60 per ha minimum \$26.00.

**Voting Requirements**

Simple Majority

**OFFICER RECOMMENDATION**

**Report on Matters Outstanding as at 17 October 2017**

**That Council authorise the Chief Executive Officer to locate a suitable mining tenement close to the Yalgoo Townsite and make application to the Mining Registrar for registration.**

**Moved:**

**Seconded:**

**Motion put and carried/lost**

**11.4.6 Part Use of Reserve 6936 to House Solar Panels for Yalgoo’s Power Supply**

Author:	Dominic Carbone
Interest Declared:	No interest to disclose
Date:	17 October 2017
Attachments (Green Cover)	- Email dated 26 September 2017 - Map
Pages 73 - 79	- Factsheet State land Services - Vesting Order

**Matter for Consideration**

That Council give consideration to permit Hybird Systems Australia Pty Ltd the solar division of Contract Power Group to use portion of the land registered as reserve 6936 vested in the Shire.

**Background**

Reserve 6936 was vested to the Shire of Yalgoo on 17 November 1899 to be used for “common” purpose compressing an area of 988.2612 acres and designated as a Class “C” Reserve.

**Statutory Environment**

Land Administration Act 1997

The Minister for planning, Land and Heritage has general powers to deal with reserve which are not Class A or B and retains legal and policy oversight of the use of the reserves generally.

**Business Implications**

Nil

**Consultation**

Nil

**Comment**

Vesting Orders under the Land Act 1933 automatically became Management Orders under the Land Administration Act 1997.

The original Management order (Vesting Order) was not found and could not be perused in relation to the conditions in relation to leasing powers. The Land Administration Act 1997 gives the Minister power to grant short-term leases and licences. Unmanaged reserves are defined as where the land is not immediately required for its designated purpose. The Minister may grant leases for any term or conditions over the unmanaged reserve.

Council is requested to give consideration as to whether portion of Reserve 6936 be utilised for the purpose of generating electricity and the installation of solar panels and subject to agreement authorise the Chief Executive Officer to liaise with the Department of Planning, Lands and Heritage for approval to effect changes to existing tenures.

**Voting Requirements**

Simple Majority

**OFFICER RECOMMENDATION**

**Part Use of Reserve 6936 to House Solar Panels for Yalgoo’s Power Supply**

**That Council authorise the Chief Executive Officer to liaise with Department of Planning, Lands and Heritage for approval to allow portion of Reserve 6936 to be used to house solar panels for the generation of the towns electricity supply.**

**Moved:**

**Seconded:**

**Motion put and carried/lost**



## **12. NOTICE OF MOTIONS**

### **12.1 PREVIOUS NOTICE RECEIVED**

#### **12.1.1 A notice of Motion has been received from Cr Joanne Kanny**

Please be informed that I propose to present the following motion at the Ordinary Council Meeting to be held on the 27 October 2017.

1. That the current Wild Dog Bounty be adjusted to include all pastoralists, including those on council, to be able to claim the scalp bounty.
2. That at the end of March, any money not claimed on scalps for that year be used on an agreed purpose, to assist in the reduction of wild dog numbers.

#### **12.1.2 A notice of Motion has been received from Cr Joanne Kanny**

Please be informed that I propose to present the following motion at the Ordinary Council Meeting to be held on the 27 October 2017.

1. That all interstate travel ceases and is reassessed by council and ratified.

## **13. URGENT BUSINESS**

## **14. MATTERS FOR WHICH THE MEETING MAY BE CLOSED**

### **14.0 STATUTORY ENVIRONMENT – MEETING CLOSED TO THE PUBLIC**

Councillors are obliged to maintain the confidentiality of matters discussed when the meeting is closed. Fines of up to \$10,000 or two years imprisonment apply to certain offences relating to misuse of information.

The following legislative extracts were downloaded from [www.auslii.edu.au](http://www.auslii.edu.au) on 8 November 2010.

#### **Local Government Act 1995**

##### **s5.23. Meetings generally open to the public**

- (1) Subject to subsection (2), the following are to be open to members of the public —
  - (a) all council meetings; and
  - (b) all meetings of any committee to which a local government power or duty has been delegated.
- (2) If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —
  - (a) a matter affecting an employee or employees;
  - (b) the personal affairs of any person;

- (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;
  - (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;
  - (e) a matter that if disclosed, would reveal —
    - (i) a trade secret;
    - (ii) information that has a commercial value to a person; or
    - (iii) information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government;
  - (f) a matter that if disclosed, could be reasonably expected to —
    - (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;
    - (ii) endanger the security of the local government’s property; or
    - (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety;
  - (g) information which is the subject of a direction given under section 23(1a) of the Parliamentary Commissioner Act 1971 ; and
  - (h) such other matters as may be prescribed.
- (3) A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.

**s5.92 Access to information by council, committee members**

- (1) A person who is a council member or a committee member can have access to any information held by the local government that is relevant to the performance by the person of any of his or her functions under this Act or under any other written law.
- (2) Without limiting subsection (1), a council member can have access to —
  - (a) all written contracts entered into by the local government; and
  - (b) all documents relating to written contracts proposed to be entered into by the local government.

**s5.93. Improper use of information**

A person who is a council member, a committee member or an employee must not make improper use of any information acquired in the performance by the person of any of his or her functions under this Act or any other written law —

- (a) to gain directly or indirectly an advantage for the person or any other person; or
- (b) to cause detriment to the local government or any other person. Penalty: \$10 000 or imprisonment for 2 years.

**Local Government (Rules of Conduct) Regulations 2007**

**s6. Use of information**

- (1) In this regulation —
  - closed meeting means a council or committee meeting, or a part of a council or committee meeting, that is closed to members of the public under section 5.23(2) of the Act;
  - confidential document means a document marked by the CEO to clearly show that the information in the document is not to be disclosed;
  - non-confidential document means a document that is not a confidential document.
- (2) A person who is a council member must not disclose —
  - (a) information that the council member derived from a confidential document; or
  - (b) information that the council member acquired at a closed meeting other than information derived from a non-confidential document.

- (3) Subregulation (2) does not prevent a person who is a council member from disclosing information —
  - (a) at a closed meeting; or
  - (b) to the extent specified by the council and subject to such other conditions as the council determines; or
  - (c) that is already in the public domain; or
  - (d) to an officer of the Department; or
  - (e) to the Minister; or
  - (f) to a legal practitioner for the purpose of obtaining legal advice; or
  - (g) if the disclosure is required or permitted by law.

#### **14.1 Confidential Item - MRVC**

### **15. NEXT MEETING**

The next Ordinary Meeting of Council is due to be held in the Council Chambers Shire of Yalgoo Friday 24 November 2017 commencing at 11.00 am.

### **16. MEETING CLOSURE**

There being no further business, the President declared the Ordinary meeting closed at.....